

1626 K STREET, N. W.

WASHINGTON, D. C.

Vol. 10, No. 39, October 2, 1942

NAB BOARD MEETING

The NAB Board of Directors held a two-day session in Chicago, September 24-25. The entire Board with the exception of Paul Morency, Ted Taylor and Paul Kesten were in attendance.

Three stations, KFAR, Fairbanks, Alaska, KLUF, Galveston, Texas, and KTHS, Hot Springs, Arkansas, as well as the National Broadcasting Company, were elected to membership.

Frank M. Russell, NBC Vice President, nominated by NBC, was elected as a network Director on the NAB Board representing that company.

A project involving the study of advertising as an instrument of economic development and social progress was approved by the Board and the support of NAB was pledged.

The subject of radio personnel and the effect of the Selective Service was discussed at length and plans were perfected to inform broadcasters regarding procedure to protect key personnel. It was also agreed that efforts to impress upon Selective Service officials the importance of maintaining efficient personnel in key positions in broadcasting should be continued.

The problem of essential materials to maintain broadcasting was reported and measures adopted to insure proper presentation of the subject to the appropriate governmental agencies. The Board expressed the opinion that broadcasters should undertake a program for the training of women to replace men in key positions.

A public relations plan submitted by President Miller received approval of the Board and steps are immediately being gotten under way to fill the vacancy occasioned by the resignation of Edward M. Kirby, now a Lieutenant Colonel in the Army.

A series of District meetings to be held this fall was approved and the following tentative schedule adopted:

Tentative Schedule for 1942 District Meetings

Following are the Districts, Places, Days, and Dates for 1942 Meetings:

1—Worcester, Mass., Monday, Oct. 19 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont).

4—Pinehurst, N. C., Friday-Saturday, Oct. 23-24 (District of Columbia, Maryland, North Carolina, South Carolina, Virginia, West Va.).

5—Jacksonville, Fla., Monday-Tuesday, Oct. 26-27; Atlanta, Georgia, Wednesday-Thursday, Oct. 28-29 (Alabama, Florida, Georgia, Puerto Rico).

6—Nashville, Tenn., Friday-Saturday, Oct. 30-31 (Arkansas, Louisiana, Mississippi, Tennessee).

13—Dallas, Texas, Monday-Tuesday, Nov. 2-3 (Texas).

12—Tulsa or Oklahoma City, Wednesday-Thursday, Nov. 4-5 (Kansas, Oklahoma).

14—Salt Lake City or Ogden, Monday-Tuesday, Nov. 9-10 (Colorado, Idaho, Utah, Wyoming, Montana, western South Dakota).

Harrison Holliday

The sudden and untimely death of Harrison Holliday came as a distinct shock. Although but 42 years old, Harrison was one of the radio industry's real veterans, having been engaged in various capacities with western stations for over 25 years. His death came after a short illness, although he had not been in the best of health for the past two years.

The high regard in which Mr. Holliday was held by his fellow broadcasters was evidenced by his election as NAB Director for the 16th District, embracing southern California, Arizona and New Mexico. He retired from the Board this year largely on account of his health. At the time of his death he was executive head of Radio Stations KECA-KFI.

In his passing the radio industry has lost a splendid character and one who contributed largely to the betterment of the industry. Mr. Holliday is survived by his widow, Edna O'Keefe Holliday, a daughter, Victoria, 3 months old, and two sons by a previous marriage, Harrison, 2d, aged 10, and Kingan, aged 8.

16—Los Angeles, California, Thursday-Friday, Nov. 12-13 (Arizona, southern California, New Mexico).

15—San Francisco, California, Monday-Tuesday, Nov. 16-17 (northern California, Nevada, Hawaii).

17—Portland or Seattle, Thursday-Friday, Nov. 19-20 (Alaska, Oregon, Washington).

11—Minneapolis, Minn., Tuesday-Wednesday, Nov. 24-25 (Minnesota, North Dakota, eastern South Dakota, western Wisconsin, Ironwood, Mich.).

10—Des Moines, Iowa, Friday-Saturday, Nov. 27-28 (Iowa, Missouri, Nebraska).

9—Chicago, Illinois, Monday-Tuesday, Nov. 30-Dec. 1 (Illinois, southern and eastern Wisconsin).

8—Indianapolis, Indiana, Wednesday-Thursday, Dec. 2-3 (Indiana, all of Michigan except Ironwood).

7—Columbus, Ohio, Friday-Saturday, Dec. 4-5 (Kentucky, Ohio).

2—New York, N. Y., Monday-Tuesday, Dec. 7-8 (New York, New Jersey).

3—Philadelphia, Pennsylvania, Wednesday-Thursday, Dec. 9-10 (Delaware, Pennsylvania).

Complete plans for these meetings will be perfected and announced in the near future.

Of course AFM and Mr. Petrillo came in for lengthy discussion. Sydney Kaye, NAB counsel in the AFM matter,

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Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Howard Frazier, *Director of Engineering*; Arthur C. Stringer, *Director of Promotion*

NAB BOARD MEETING

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reported on the work which is being done in public relations, legal and legislative fields in regard to this matter. It was felt that satisfactory progress is being made and that efforts along the present lines should be continued.

A resolution expressing regret at the shocking news of Harrison Holliday's death and expressing deepest sympathy to his family and business associates was adopted by the Board.

The Board adopted a resolution pledging the continued cooperation of the industry in the war effort and renewed devotion to service in the public interest.

Following the regular session of the Board an executive session was held at which internal association matters and personnel were discussed. It was voted to hold a special session of the Board on October 13 or 14 in Chicago to further discuss these internal matters with particular reference to personnel and policies.

NAB ASKS EXEMPTION FROM PREMIUM PAY ORDER

At the direction of the Wage and Hour Committee, the NAB is asking the Labor Department to exempt the broadcasting industry from President Roosevelt's Executive Order on premium pay.

The Wage and Hour Committee, at a meeting Wednesday in Washington, found that the only substantial effect the order would have on the broadcasting industry would be to require those stations not now paying time and one half for holiday work to do so.

Since the broadcasting industry, like public utilities, operates normally on a 365-day-year and a seven-day-week, the effect of the order on the industry would be directly contrary to one of the broad purposes of the order—to combat inflation.

The Wage and Hour Committee agreed that the industry was covered by the Order, which is applicable to "work related to the prosecution of the war."

Most of the provisions of the order, effective October 1, do not affect broadcasting stations. It provides:

(1) Payment of time and one half for all work on New Years Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and either Memorial Day or one other such holiday of greater local importance.

(2) Payment of double time on the seventh consecutive day of work unless there is an agreement between employer and employees which provides for at least one whole day off in each regular week. For instance, double time need not be paid for the seventh day in such a case as this: An employee's regular day off was Saturday, in a regular work week which started Sunday morning. He took Saturday off, as usual, in week "A." In week "B" by agreement, he took Wednesday off. In week "C" he went back to Saturday off. In this case, he need not be paid double time for Wednesday in week "C."

(3) There is to be no time and one half or double time for Saturday and Sunday work just because of the name of the day.

(4) In all other respects, the terms of the Wage and Hour Act and of union contracts, if any, prevail. For instance, time and one half for overtime over 40 hours a week prevails. If a union contract provides for time and one half after eight hours in any single day or time and one half on the sixth day, that contract prevails.

Members of the Wage and Hour Committee at the meeting:

C. T. Lucy, WRVA, chairman; James B. Rock, KDKA; Quincy A. Brackett, WSPR; and A. K. Redmond, WHP.

Selective Service

MANUAL ON PRESS

The list of 34 essential activities, which includes radio broadcasting under "Communications," was attached to the amendment of Local Board Release 115 made July 11, 1942, and released July 15, 1942, as Local Board Release 137. In filling out Form 42-A ("Affidavit—Occupational Classification (Industrial)) reference should be made to Local Board Release 137 under the question "Description of the Activities of this Company." The following language is suggested:

"Communications,—radio broadcasting. (See Local Board Release 115, as amended by LBR 122, 4/11/42, and LBR 137, 7/15/42. In the List of Essential Activities attached to LBR 137, under the title "Communications," radio broadcasting is designated an essential activity.) See Exhibit A*, attached, for analysis of this station's broadcasting operations essential to the support of the war effort."

Enclosed with the issues of NAB REPORTS is a planographed copy of the first page of LBR 137. This may be attached to Form 42-A to insure local board's making proper reference to the List of Essential Activities. Extra copies are available at NAB upon request.

NAB is preparing a "Selective Service Handbook" to assist stations in requesting occupational deferment of "key" men. It will contain pertinent excerpts from the Selective Service Act and Regulations, Local Board Releases, a dummy Form 42-A, and authoritative procedure for prosecuting claims for occupational deferment. It should be off the press next week.

SELECTIVE SERVICE OFFICIALS VISIT STATIONS

On Friday, September 25, officials from National Headquarters of the Selective Service System made an inspection tour of four Washington, D. C. broadcast stations. The trip was arranged by NAB to familiarize them with broadcast station operations and the difficulties encountered in training replacement technicians and other key personnel on short notice. Russell Place and Howard Frazier of NAB accompanied the group.

The officials appeared to be deeply impressed and it is believed similar tours arranged by broadcasters for local boards having jurisdiction over their key personnel would be helpful. Stations located in or near state capital cities can be of real service to the industry by sponsoring these inspection trips for the State Director and Occupational Advisers from their Selective Service State Headquarters.

*Exhibit A should include list of typical month's government programs and spots.

GAS AND TIRE RATIONING

Merging of the gasoline and tire rationing programs into a single system to control mileage of the nation's passenger autos according to essentiality of use was announced today by Price Administrator Leon Henderson to become effective throughout the country probably about Nov. 22.

The rationing of gasoline will follow the plan now in operation for the seven and a half million autos in the East, with each of the nation's 27 million cars getting a basic A-book allowance of enough gas for 2880 miles of family necessitous and occupational use for a year. Additional gasoline will be allowed only on proof of need and in quantities strictly limited to the degree of essentiality to the nation's war effort.

This gasoline rationing system will then be meshed into the tire rationing program to bring the overall mileage of America's autos within the limits of the available rubber supply, with use of tires being limited to essential transportation needs of the country. Observance of a 35 mile per hour maximum speed limit will be a basic requirement in both gasoline and tire ration allowances.

The new nation-wide mileage rationing plan has been under intensive development in OPA in anticipation of the need, since publication of the Baruch Committee's rubber conservation report on September 10. These advance preparations make it possible to have the system in operation some two weeks sooner than otherwise would have been possible, Mr. Henderson said.

Some 20 million passenger cars outside of the present gasoline rationed area will be brought under mileage rationing when the plan goes into effect, Mr. Henderson said. He estimated that mileage rationing would cut the use of private cars an average of almost 60 per cent from normal.

Owners of cars in the as yet unrationed area will be required under the plan, to register and will receive a basic gasoline ration for their cars allowing 2880 miles per year at the present value of the coupons, assuming 15 miles to the gallon. The time and places for this registration will be announced later.

Additional mileage up to 470 miles a month may be obtained by the motorist who can show that the "A" book is not sufficient to meet his occupational needs, and who shows either that he has formed a carsharing club to keep his car filled to capacity while in use, or that he has been unable to do so and that there is no other means of transportation available to him.

A special "preferred mileage" category is provided for 14 types of occupations deemed essential to the war effort and to the public health and safety. These rations issued through a "C" book, are tailored to meet the proven need, without a specific ceiling on the mileage. Tires on all cars must be submitted to OPA for on-wheel inspection every 60 days to insure proper care.

The deviations from the present ration system in the East will not be great, since the East Coast plan was designed for possible nation-wide extension as a mileage rationing plan. It already has reduced average passenger car mileage near to the objective of 5000 miles set by the Baruch report. The changes required for the rest of the country will be incorporated in the Eastern plan when nation-wide mileage rationing becomes effective so that all cars throughout the country will be operating under a single set of rules, Mr. Henderson said.

The rationing of gasoline to the 20 million additional cars in the nation will require manufacture of thousands of tons of safety paper, a major printing job, and the setting up of an extensive nation-wide machinery to issue the books and handle the supplementary applications. Local War Price and Rationing boards will be asked to augment their staffs with temporary volunteer workers to handle the extra work, and instructions for doing this will be

sent to them well in advance of the registration period, Mr. Henderson said.

Supplying the necessary coupons and forms and organizing for the gigantic undertaking is a task that will require more than six weeks to complete, Mr. Henderson estimated. He said orders have been placed for the safety paper and the printing of 60 million books of gasoline ration coupons, 91 million gummed sheets for preservation of the coupons as the service stations receive them from the motorists, 60 million application forms, and some 100 million copies of audit control forms, regulation books, and instruction guides and other necessary forms.

Sales

SALES MANAGERS EXECUTIVE COMMITTEE MEETS

The Sales Managers Executive Committee, advisory body to the NAB Department of Broadcast Advertising, met in Chicago on September 23 and 24. In addition to Chairman John M. Outler, Jr., WSB, the following Committee members were present: Arthur Hull Hayes, CBS, New York; Frank R. Bowes, WBZ, Boston, Mass.; William Malo, WDRC, Hartford, Conn.; Dietrich Dirks, KTRI, Sioux City, Ia.; Donald D. Davis, WHB, Kansas, City, Mo., and George H. Frey, NBC, New York.

Invited to attend were Sherman Gregory of NBC, William Gillespie of KTUL, Tulsa, and Walter Johnson of WTIC, Hartford. Sheldon Coons, retail advertising consultant, also attended.

Methods of securing a larger share of the retailers' advertising budget were discussed. Important plans will be revealed shortly.

Lewis H. Avery, newly appointed director of the Department of Broadcast Advertising, was introduced to the Committee and attended all of the sessions. Mr. Avery will report to his new position on October 1.

A general discussion regarding the effect of the war upon broadcast advertising took place, and reports indicate a most healthy condition.

Problems growing out of the criticism which has been leveled at radio by certain magazines and newspapers were discussed at length. The Committee felt that while most of the criticisms were unfair and to some extent exaggerated, there is need for careful scrutiny on the part of all stations as well as commercial managers of the content and length of commercial announcements.

As the result of a general discussion of a practice that appears to be growing more prevalent, the Sales Managers Executive Committee adopted the following resolution which is self-explanatory:

WHEREAS

The Sales Managers Committee of the National Association of Broadcasters is charged with the duty and responsibility of fostering and developing revenue-producing ideas for radio broadcasting; which duty and responsibility also involves an observation and analysis of practices which can have a deleterious effect on the future of our several businesses, and

WHEREAS

There has been noticed an occasional tendency on the part of some radio broadcasters, either deliberately or inadvertently, to couple two or more announcements in the same spot on a schedule and

WHEREAS

This is against the best interests of the listener, the advertiser and the station, and provides a further op-

portunity for pointed criticism of radio broadcasting as an advertising medium; and, moreover, produces distrust on the part of the advertiser or his agency in the verity of our operation, therefore

BE IT RESOLVED

That the Sales Managers Committee of the National Association of Broadcasters condemns such practise of double spotting and that while we hold that it is the privilege and prerogative of station operation to manage available business according to individual lights, we do most earnestly recommend the elimination of this abuse in the common interest and for the common good.

ADVERTISING EXEMPTION

In an earlier issue of the REPORTS (p. 515) a statement issued by Paul West, President of ANA, told of the results of a conference with Internal Avenue Commissioner, Guy T. Helvering, with regard to the subject of exemption of advertising costs from tax liability. The following official statement has now been issued by Commissioner Helvering:

"To be deductible, advertising expenditures must be ordinary and necessary and bear a reasonable relation to the business activities in which the enterprise is engaged. The bureau recognizes that advertising is a necessary and legitimate business expense so long as it is not carried to an unreasonable extent or does not become an attempt to avoid proper tax payments.

"The bureau realizes that it may be necessary for taxpayers now engaged in war production to maintain, through advertising, their trade names and the knowledge of the quality of their products and good-will built up over past years, so that when they return to peacetime production their names and the quality of their products will be known to the public.

"In determining whether such expenditures are allowable, cognizance will be taken of (1) the size of the business, (2) the amount of prior advertising budgets, (3) the public patronage reasonably to be expected in the future, (4) the increased cost of the elements entering into the total of advertising expenditures, (5) the introduction of new products and added lines, and (6) buying habits necessitated by war restrictions, by priorities, and by the unavailability of many of the raw materials formerly fabricated into the advertized products.

"Reasonable expenses incurred by companies in advertising and advertising technique to speed the war effort among their own employes, and to cut down accidents and unnecessary absences and inefficiency, will be allowed as deductions.

"Also reasonable expenditures for advertisements, including the promotion of Government objectives in wartime, such as conservation, salvage or the sale of war bonds, which are signed by the advertiser, will be deductible provided they are reasonable and are not made in an attempt to avoid proper taxation.

"No definite rule for determining what is reasonable in the case of expenditures for advertising can be laid down in advance so as to fit all situations and all classes of taxpayers. In determining whether the amounts are reasonable it is necessary to take into consideration all the facts and circumstances in each particular case.

"The bureau will consider applications for individual rulings."

PER-INQUIRY OFFERS

Not only are P-I offers contrary to the Code of Ethics of the broadcasting industry, but investigation has also disclosed that much of the merchandise and many of the services offered are of doubtful or questionable value.

The Shaffer Brennan Margulis Advertising Co. of St. Louis, Mo., is at it again. S. I. Rosenfeld asks stations to carry a P-I deal for Paramount Hosiery of Lexington, N. C. He says that his client operates strictly legitimately, meaning that they fill orders promptly. But P-I deals are not consistent with good radio advertising ethics. Sta-

tions are again importuned not to accept this or any other P-I offer.

The Guenther Bradford & Co. advertising agency, Chicago, is seeking per-inquiry deals for their client, Dendex Co., Los Angeles, who are selling dental plate "reliners."

The United Advertising Companies, Chicago, are sending P-I requests to the stations for a game called "Battle-checkers" and for "Sinasiptec," a sinus medical aid.

The Radio Sales Co., Nestor, Calif., is submitting a per-inquiry offer to radio stations for the purpose of promoting "Stop-a-Leak," a solution to preserve motor tires.

Engineering

VACUUM TUBE REPAIR FACILITIES

The NAB Engineering Department has been conducting an investigation of the facilities available for the repair of vacuum tubes. The firms listed below have notified NAB of their willingness to accept for repair the types indicated and reports from stations using these tubes show satisfactory life from repaired tubes. Several additional manufacturers are now preparing repair facilities which will be announced in the near future.

Every effort has been made to make this directory complete; any omissions are not intentional and should be brought to the attention of the Engineering Department.

Please communicate directly with the organizations listed for detailed information concerning delivery, preference rating required, guarantee and prices.

Freeland & Olschner, Inc., 922 Howard Avenue, New Orleans, Louisiana. Phone: Raymond 4756. Types repaired: All tubes in general use, 250 watts or larger.

General Electric Co., Radio, Television and Electronics Dept., 1 River Road, Schenectady, New York. Types repaired: 207, 891, 892.

Garrett W. Lewis, Route 3, Los Gatos, California. Types repaired: 100T, 204A, 207, 212E, 220B, 220C, 228A, 232A, 250T, 251A, 279A, 450T, 806, 849, 869A, 869B, 872A, 891, 891R, 892, 892R, 893, 893R.

RCA Manufacturing Co., Mr. Harold Vance, Tube and Equipment Division, Camden, New Jersey. Phone: Camden 8000. Types repaired: 207, 891, 891R, 892, 892R.

PRIORITIES

Preference Rating Order, P-129, which authorized a Preference Rating of A-1-j on replacement items containing copper expired on September 30, 1942.

It is expected a new Preference Rating Order, P-133 will be announced within the next few days. The proposed order will assign a Preference Rating of A-1-j to all tubes, parts and essential materials necessary to maintain broadcast station operation. Plans are also under way to allocate materials and manufacturing facilities to make available vacuum tubes to broadcasters on the A-1-j Preference Rating. This should eliminate the necessity in most instances of filing PD-1A applications. Complete details of P-133 will be published when released by WPB.

CONSERVATION OF "VINYLLITE"

In recent months it has become increasingly difficult to obtain "Vinylite", the thermoplastic used for the manufacture of radio transcriptions. This is due to the greatly increased use of "Vinylite" resin for war production. This material has been placed under strict control by the War Production Board by their General Preference Order M-154. This order permits the allocation of "Vinylite" for

radio transcriptions after provision has been made for filling war orders.

We believe that there will be sufficient "Vinylite" for the radio transcription industry for some time to come, requiring very little, if any, new "Vinylite", provided the radio stations will return the transcription discs to the manufacturer for refabrication after they have served their purpose.

It is essential that all stations return transcription discs to the manufacturer in order that "Vinylite" may be conserved and the flow of transcriptions maintained. The various transcription manufacturers have given stations instructions on minimum quantities of transcriptions to be returned and whether by express or otherwise. Station operators are urged to comply strictly with these instructions.

FEDERAL COMMUNICATIONS COMMISSION

FLY'S PRESS CONFERENCE

Questioned at a press conference early this week as to whether or not the FCC intended to try and unfreeze various materials chairman James Lawrence Fly of FCC said. "I don't know whether they will succeed in doing so or not."

Discussing the conservation of equipment Mr. Fly told the newsmen, "that's in the hands of Industry Committees and I think they will be out with that in the course of a few days, and we ought to have some outward progress on that pretty soon."

The Chairman said he thought it a matter of real importance and should be gotten through the Board of War Communications to the WPB, "because after all we do have a serious situation on the conservation of materials, and I think it is of real interest to have a record of co-operation with the WPB in terms of conservation."

The question of manpower Mr. Fly told the conference is in the hands of industry committees and, "I would guess that industry itself is pretty well informed on the status of it since their representatives are working on the matter. I imagine they will present it to the Board within a week or so." Mr. Fly said this will include definitions and classification and when completed will be turned over to the other agencies. "As you know," the chairman said, "that is being worked out by the Industry Committees themselves and I think they are moving right along with the work, and it is my impression that it's in good shape and I guess they will get it before the Board and move along."

ARMY RADIO LISTENERS FAVOR DANCE MUSIC, NEWS AND COMEDY

The average soldier prefers radio programs of dance music, news broadcasts, comedy programs and sports events, and doesn't care too much for serial dramas, operas, symphonies or hill-billy music, according to a survey conducted in Army camps throughout the United States by the Research Branch, Special Service Division, the War Department announced today.

Approximately one soldier out of six owns a radio, the survey disclosed, and slightly more than half of the men listen to a program at some time during a typical weekday. Forty per cent said there are certain programs they would like to hear but cannot, the chief reasons being that there is no radio convenient, that programs come through when

they are unable to listen, or that they have difficulty in getting the stations that carry them.

For some reason, more soldiers listen on Thursday than on any other weekday, and of those who listen on this day, 26 per cent tune in on morning programs, 29 per cent during midday hours and 52 per cent in the evening.

The listening peak on a typical weekday morning is from 6:15 to 7:00 o'clock; at midday from 12:15 to 12:45, and in the evening from 7:00 to 8:30 o'clock. The majority listen to programs in their barracks.

Popular music, sweet and dance music, is the favorite program, the survey showed, with 87 per cent of the soldiers questioned expressing a like for this type of broadcast, 3 per cent expressing dislike and 10 per cent expressing no opinion.

Second in popularity are news broadcasts, reports and comments on current happenings, liked by 86 per cent, disliked by 3 per cent and 11 per cent expressing no preference.

Comedy programs, gags, skits and funny plays are liked by 85 per cent, disliked by 4 per cent, and 11 per cent voiced no opinion.

Sports broadcasts, news and reviews of athletic activities are liked by 69 per cent, disliked by 10 per cent, and no opinion from 21 per cent.

Variety programs, offering several different kinds of entertainment, are favored by 66 per cent, disliked by 9 per cent, and no opinion from 25 per cent.

Popular music of the swing type, hot, scat and jive, are approved by 62 per cent, disapproved by 16 per cent, and 22 per cent expressed no opinion.

Radio plays, complete in one broadcast, are also approved by 62 per cent, disliked by 13 per cent, and 25 per cent voiced no opinion.

Old familiar music, ballads, folk songs and tunes of long ago, are liked by 57 per cent, disliked by 15 per cent, and no opinion from 28 per cent.

Quiz programs are also liked by 57 per cent, disliked by 17 per cent and no preference by 26 per cent.

Hill-billy and western music are approved by 42 per cent, disapproved by 33 per cent, and no opinion from 25 per cent.

Special event programs, including on-the-spot descriptions of ceremonies and other events, are favored by 39 per cent, disliked by 22 per cent, and no opinion from 39 per cent.

Classical music, broadcasts of symphonies, opera and other "serious" music are approved by 32 per cent, disliked by 35 per cent, and 33 per cent expressed no preference.

Serial dramas, stories that are continued from one broadcast to another, are approved by only 16 per cent, while 57 per cent disliked such broadcasts and 27 per cent expressed no opinion.

FCC STATION LICENSE RENEWALS

Inquiries are reaching NAB as to the reason for many renewal licenses being issued for periods of less than two years. In some instances 8 months, 6 months, 4 months, etc.

We are informed that in general these short-term renewals are not significant. The Commission is merely staggering the next renewal date in accordance with the order establishing the new license periods by frequencies, as amended on October 11, 1941, by action of the Commission.

BILL LEWIS IN CLOSED CIRCUIT TALK

William B. Lewis, chief of the radio bureau, OWI, is to address broadcasters on closed circuits on Friday, October 2, on the subject of OWI Regulations No. 2. From 12:45 to 1:00 p. m. he will speak over NBC and MBS from 4:15 to 4:30 p. m. over CBS and Blue.

Programs for Victory

FIRE PREVENTION WEEK BEGINS SUNDAY

Broadcast promotion of Fire Prevention Week, October 4-10, is lined up coast to coast. This year's emphasis is placed, by OCD, upon damage done by the war effort through the destruction or injury by fire of materials, dwellings or other structures.

BOOKLETS TO PASS 10,000,000 MARK

The third print order for "What Can I Do" booklets, advertised gratis by broadcast stations and published by OCD, is soon to be placed.

Within six days after news of the booklet reached stations, the original five million order was upped four million. Marvin Beers says OCD is now on the verge of ordering again.

The V-Home angle is being used by stations wherever local OCD councils are prepared. Stations are urged to continue the promotion of "What Can I Do" in order to insure maximum distribution of this booklet which is highly important to the war effort. Director Landis will authorize printing of additional booklets as long as demand persists.

OK SPONSORSHIP OF NAVY ET

Sponsorship of Navy's weekly transcribed programs, "Man Your Battle Stations," has been authorized by the Chief of Naval Personnel, by direction.

The matter will be explained in detail in a memorandum to all stations dated October 5, and attached to the weekly folio of Navy announcements.

COL. MARRINER ON ARMY HOUR

The Army Hour, broadcast over NBC stations, on October 11, will feature Army Air Forces Communications.

Colonel A. W. Marriner, Air Forces Director of Communications, will be among those appearing on the program.

VARIED PROMOTIONS SELL BONDS AT WMAQ

Everything from a thirty-piece brass band, playing on the drive overlooking the Chicago River to an effigy of Hitler has been used by WMAQ, NBC's Chicago station, in helping to sell several hundred thousand dollars worth of war bonds to date.

WMAQ recently completed a three-week contest among five of its top announcers—Bob Brown, Cleve Conway, Charlie Lyon, Fort Pearson and Louis Roen—in which each of the announcers had fifteen minutes on the air one day a week and a full-hour at the WMAQ Bond Booth in the main lobby of the Merchandise Mart one noon each week. In three weeks, the announcers sold some \$50,000 worth of bonds over the counter during the noon periods alone, not counting direct sales by mail to radio listeners. Purchasers got to hit a dummy of Hitler, and Chicago radio artists entertained at the booth.

Then Chicago members of AFRA, the Chicago Federation of Musicians, and the Radio Writers' Guild came forward with the offer to stage a big variety show of their own on WMAQ late one night. The program went on the

night of September 19, and brought some \$25,000 in pledges to buy bonds.

On the night of September 28, WMAQ joined WBBM, WGN, WENR, WCFL, WIND, WJWC and other Chicago stations in broadcasting another big variety show for which Chicago radio, stage, night club and screen artists donated their talent. More than \$360,000 worth of bond sales in Chicago alone were reported, and the 24 down-state stations which carried the program had not yet reported.

In addition, the WMAQ-NBC Central Division, with 270 employees, is 100 per cent pledged to payroll deductions for bond purchases, and now each of the employees is out to sell \$100 worth of bonds to an outsider, which would net \$27,000 more in sales.

NEW PROGRAM HEAD AT KDKA

New Program Manager for KDKA, Pittsburgh, is Robert E. White, formerly chief announcer of WBZ-WBZA. Appointment was announced last week by James R. Rock, General manager, KDKA. Last year Mr. White won the H. P. Davis Memorial Award as the outstanding announcer in the eastern time zone.

WTAD GETS THE MONEY

WTAD, Quincy, Ill., staged a war bond rally Thursday night, September 24, which produced sales and pledges of \$358,400.

C. Arthur Fifer, general manager, explained that the staff of WTAD raised \$242,243 of this amount prior to the opening of the rally.

The entertainment consisted of a name orchestra, Freddy Nagel, with a member of WTAD's staff conducting and the picture, Wake Island, furnished by the Washington Theatre of Quincy.

Admission to the theatre was the purchase of a \$25 or \$50 war bond. This netted \$83,350; \$32,807 was received from an auction conducted the night of the show.

New Angle on Scrap

The metal scrap heaps in Quincy are larger and heavier than they would have been without a special promotion by WTAD.

WTAD is aggressively after such items as iron fences, statues, fountains, etc., which, though still in good condition, will perform a more useful function as scrap. Station is advocating the giving up of all metal items even though a real sacrifice to the owner is involved.

First of the special scrap programs was broadcast September 22 at 7:15 p.m. It was built around the example of two local residents with adjoining homes surrounded by 1,000 feet of heavy ornamental iron fence. Though a landmark for years and in perfect condition, Mr. and Mrs. L. P. Bonfoey and Mr. and Mrs. E. N. Monroe tossed the fence on the local scrap heap.

Because of this example, Station Manager C. Arthur Fifer has received reports of many similar, if not as large, donations.

"WAR SACRIFICE FUND"

Jess Willard, general manager of WJSV, Washington, D. C., is sponsor of a personal "War Sacrifice Fund" plan to help win the war, by producing additional funds for investment in war savings bonds.

It was devised as a means for patriotic individuals to go beyond the normal line of duty, voluntarily, to help win the war. Here's how it operates:

Each person establishes his own personal "War Sacrifice Fund" with sacrifice savings. Such savings are beyond

legal requirements, such as taxes; and beyond the normal line of duty such as investing 10%. Into the fund are placed sums of money which might normally have been expended for an extra cocktail, a package of cigarettes, a box of candy or contemplated travel.

Mr. Willard pointed out that if all the workers established a "War Sacrifice Fund" and averaged \$1 a week it would produce \$2,808,000,000 a year. But he thinks that the average, based on sound economic calculations, should be at least \$4 a week. This would bring in \$11,232,000,000 annually, beyond the normal national income for war purposes.

OVER A HUNDRED GRAND FOR SAM

Current transportation difficulties have necessitated the discontinuance of the KMBC Victory Caravan which has been playing personal appearances at War Bond rallies in the station's listening area. The effort previously directed to the Caravan will now be devoted to direct sales efforts which are proving so effective.

Actual sales, not pledges, made by the KMBC Victory Caravan amounted to \$110,149.40. The original slogan was "A HUNDRED GRAND FOR UNCLE SAM." Despite the discontinuance of the unit the original quota was exceeded by 10%.

List of cities covered by the Caravan, together with actual sales made by the Caravan follow:

Leavenworth, Kan.	\$ 3,640.00
Emporia, Kan.	11,230.00
Ottawa, Kans.	900.00
Iola, Kan.	12,492.60
Olathe, Kan.	14,086.75
Warrensburg, Mo.	3,640.00
Independence, Mo.	2,400.00
Liberty, Mo.	2,755.00
Hamilton, Mo.	16,566.45
Cameron, Mo.	24,607.70
Harrisonville, Mo.	18,026.50

PRESIDENT DAVIS TO WPB

Donald D. Davis, president of General Mills Company, Minneapolis, reported for work in Washington last Tuesday. He is the first of several top men in the production field who will be recruited by WPB to strengthen the staff of the office of the Vice Chairman on Program Determination.

Mr. Davis has the post of Director of the newly created Program Coordination Division of the War Production Board.

ARE WE LETTING OUR ALLIES DOWN?

J. E. (Pat) Garner, Manager and News Editor of KFPW, has made excellent use of the "background" material on the United Nations sent out by the Office of War Information. The material was condensed into a brief talk which Garner delivered to the Fort Smith (Arkansas) Lions Club. The Club thought so highly of the talk that it has been printed in pamphlet form. A limited supply is available upon request to Mr. Garner at KFPW, Fort Smith, Arkansas.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, October 5. They are subject to change.

Monday, October 5

Further Hearing

KXXK—First National Television, Inc., Kansas City, Mo.—Renewal of license, 1590 kc., 1 KW, unlimited.

Tuesday, October 6

KPAC—Port Arthur College, Port Arthur, Texas.—Modification of license 1250 kc., 1 KW, DA-night, unlimited.

Wednesday, October 7

Television Broadcast

NEW—Hughes Productions, Division of Hughes Tool Company, Los Angeles, Calif.—C. P., 60000-66000 kes.; Ch. No. 2, ESR-500.

NEW—Hughes Productions, Division of Hughes Tool Company, San Mateo County, Calif.—C. P., 60000-66000 kes.; Ch. No. 2, ESR-740.

Thursday, October 8

Further Hearing

NEW—Beauford H. Jester, Individually and as Trustee for W. W. Callan, Dewitt T. Hicks, Hilton W. Howell, Wilford W. Naman, Robert C. Levy, Ross M. Sams & Davis Stribling, Waco, Texas.—C. P., 1230 kc., 250 watts, unlimited.

Friday, October 9

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P., to install new transmitter, 1230 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WFMJ—Wm. F. Maag, Jr. (Assignor), The WFMJ Broadcasting Co. (Assignee), Youngstown, Ohio.—Granted consent (B2-AL-348) to assignment of license for station WFMJ from William F. Maag, Jr., to The WFMJ Broadcasting Co., a newly organized corporation of which the assignor, Wm. F. Maag, Jr., will own 99.2 percent of its authorized capital stock.

WNAC—The Yankee Network, Inc., Boston, Mass.—Granted extension for period of 60 days of Special Service Authorization to operate with power of 5 KW, employing a directional antenna at night (B1-SSA-47).

W31NY—Edwin H. Armstrong, Alpine, N. J.—Granted application for modification of construction permit of high frequency broadcast station for extension of completion date to November 4, 1942.

DESIGNATED FOR HEARING

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Designated for hearing application for modification of license (B3-ML-1076) to change frequency from 1390 to 1470 kc., hours of operation from day to unlimited, and use 500 watts power night, 1 KW day.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Designated for hearing application to increase power from 1 to 5 KW, move transmitter, install new transmitter, and install directional antenna for night use (B5-P-3499).

MISCELLANEOUS

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted modification of construction permit, as modified, for increase in power and installation of directional antenna for night use, for extension of completion date from September 27 to November 27, 1942 (B2-MP-1635).

KFVS—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted license to cover construction per-

- mit to make changes in transmitting equipment (B4-L-1705); granted authority to determine operating power by direct measurement of antenna power (B4-Z-1435).
- KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Granted license to cover construction permit which authorized move of transmitter and studio (B5-L-1697).
- KBWD—Brown County Broadcasting Co., Brownwood, Tex.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1440).
- KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1433).
- WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted license to cover construction permit for move of transmitter and changes in antenna system (B3-L-1703); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1432).
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted modification of construction permit as modified, for installation of new transmitter and directional antenna for day and night use, increase in power, change hours of operation, and move of transmitter, for extension of completion date from September 30 to November 30, 1942 (B4-MP-1640).
- WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Granted license to cover construction permit as modified, for directional antenna for night use, increase in power, and changes in equipment (B3-L-1709); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1439).
- WSBA—Susquehanna Broadcasting Co., York, Pa.—Granted license to cover construction permit, as modified, for a new broadcast station (B2-L-1708); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1438).
- WBUL—Blue Network Co., Inc., (Portable-Mobile), area of Chicago, Ill.—Granted modification of license for change in serial number of transmitter from Serial No. 3 to Serial No. 2 (B4-MLRE-107).
- W47P—Walker and Downing Radio Corp., Pittsburgh, Pa.—Granted modification of license to change corporate name from Walker and Downing Radio Corp. to WWSW, Inc. (B2-MLH-1).
- W2XMC—Muzak Corp., New York, N. Y.—Granted modification of construction permit, as modified, for new developmental broadcast station, for extension of completion date from September 1, 1942, to March 1, 1943 (B1-MPEX-9).
- WPTZ—Philco Radio & Television Corp., Philadelphia, Pa.—Granted modification of construction permit, as modified, for new commercial television broadcast station, for extension of completion date from October 1 to December 1, 1942 (B2-MPCT-17).
- WEJK—National Broadcasting Co., Inc. (Portable-Mobile), area of Chicago, Ill.—Granted modification of license for change in serial number of transmitter from Serial No. 3 to Serial No. 2 (B4-MLRE-108).
- W2XYP—Columbia Broadcasting System, Inc., New York, N. Y.—Granted license to cover construction permit as modified, for new ST broadcast station; granted on an experimental basis only, conditionally (B1-LST-1).
- WDAE—Tampa Times Company, Tampa, Florida.—Denied Special Service Authorization (B3-SSA-46), to operate on 770 kc., 5 KW, unlimited time, directional antenna night.
- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Texas.—Denied Special Service authorization to operate on 690 kc., 500 watts, 1 KW-LS, unlimited time (B3-SSA-38). Also dismissed application for construction permit (B3-P-3492) to change frequency to 690 kc., increase nighttime power to 1 KW, and install directional antenna for day and night use.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for extension of effective date of temporary license to December 31, 1942.
- John W. Choate, Lenore Herd Choate, E. P. Nicholson, Jr., and John Wallbrecht, Middleboro, Ky.—Denied petition to reconsider and grant application for construction permit for a new station.
- WJJD—WJJD, Inc., Chicago, Ill.—Dismissed without prejudice application for construction permit since applicant has failed to file a petition indicating desire to prosecute application in conformity with Memo. Opinion of April 27, 1942.
- KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Denied application for Special Service Authorization (B5-SSA-33) to use frequency 1170 kc.
- WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Adopted a Memorandum Opinion and Order granting in part the application of WAPI for change in frequency from 1170 kc. to 1070 kc., and denied without prejudice the request for an increase in power from 5 to 50 KW. The grant was made upon the condition that the applicant file an application for modification of construction permit specifying a suitable directional antenna making use only of the two towers now in use at the station. The Commission also ordered that the applicant shall within 20 days of the date of Order notify the Commission in writing that it accepts or rejects the foregoing grant in part and denial in part of its application. In the event the applicant notifies the Commission that it accepts the foregoing grant in part and denial in part of its application, it shall within a further period of 30 days file an application for modification of construction permit satisfactory to the condition attached to the grant in part of its application regarding suitable antenna (Docket No. 6117).
- WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Denied petitions requesting authority to operate with power of 10 KW on frequency 1030 kc., and installation of new transmitter, using directional antenna at night, and designated application (B3-P-3342) for hearing.
- WOV—WODAAM Corp., New York City.—Granted renewal of license for standard and auxiliary station for the period ending October 1, 1944.
- WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted petition for continuance of hearing on application to install new transmitter, to November 12, 1942.
- WKBW-WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted motion to postpone hearing date on applications for renewal of licenses for main and auxiliary transmitters of stations WKBW and WGR, to November 20.
- KDNT—Harwell V. Shepard, Denton, Texas.—Granted petition to accept late appearance in re application for construction permit (Docket 6352).
- WHEB—WHEB, Inc. (R. G. LeTourneau), Transferor, and the LeTourneau Foundation, Transferee, Portsmouth, N. H.—The Commission on its own motion continued the hearing on application to transfer control of station WHEB from October 2 to November 6, 1942.

APPLICATIONS FILED AT FCC

560 Kilocycles

- KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Extension of special service authorization to operate on 560 kc., 500 watts night, 1 KW daytime, unlimited time, using transmitter authorized by (B5-P-3150) as modified until completion of directional antenna system.

590 Kilocycles

- WKZO—WKZO, Inc., Kalamazoo, Mich.—License to cover construction permit (B2-P-3281 as modified), which authorized increase in night power and changes in directional antenna system for night use.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Authority to determine operating power by direct measurement of antenna power.

780 Kilocycles

- WMC—Memphis Publishing Co., Memphis, Tenn.—License to cover construction permit (B3-P-2743 as modified) for increase in night power and changes in directional antenna for night use.
- WMC—Memphis Publishing Co., Memphis, Tenn.—Authority to determine operating power by direct measurement of antenna power.

910 Kilocycles

- WABI—Community Broadcasting Service, Bangor, Maine.—Modification of construction permit (B1-P-2349 as modified), which authorized change in frequency, increase power, new transmitter and directional antenna for night use, requesting extension of completion date from 8-30-42 to 12-30-42.

1010 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Extension of special service authorization to operate on 1010 kc., 5 KW night, 10 KW daytime, directional antenna night, using the transmitter as authorized by B3-P-3049 as modified, for the period 12-1-42 to 12-1-44.

1290 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Modification of construction permit (B3-P-2944 as modified), which authorized installation of directional antenna for night use, and increase in night power, for extension of completion date from 10-15-42 to 12-15-42.

1390 Kilocycles

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Modification of construction permit (B5-P-3096 as modified), which authorized increase in power, installation of new transmitter and directional antenna for night use and move of transmitter for extension of completion date from 10-12-42 to 11-12-42.

FM APPLICATIONS

W83C—WHFC, Inc., Chicago, Ill.—Modification of construction permit (B4-PH-36), which authorized construction of new high frequency broadcast station for change in location of transmitter, antenna changes, change in type of transmitter and extension of commencement and completion dates.

W49PH—Pennsylvania Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-PH-69 as modified), which authorized construction of new high frequency broadcast station, in part in accordance with Commission action of 8-4-42.

W75NY—Metropolitan Television, Inc., New York, N. Y.—License to cover construction permit (B1-PH-52 as modified), which authorized construction of new high frequency broadcast station in part in accordance with Commission action of 8-4-42.

MISCELLANEOUS APPLICATIONS

WCAH—Board of Education, City of Buffalo, Buffalo, N. Y.—Modification of construction permit (B1-PED-24 as modified), which authorized construction of new non-commercial educational broadcast station requesting extension of commencement and completion dates to 6 months after termination of war emergency and 1 year after termination of war emergency, respectively.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Modification of construction permit (B5-P-2783 as modified), which authorized installation of new equipment and increase power for extension of completion date from 11-19-42 to 10-1-43.

KGCX—E. E. Krebsbach, Sidney, Mont.—Modification of license to change location of main studio from 4 miles north of Sidney, Montana, to Lot 10, Block 14 on Main St., Sidney, Montana.

KVGB—Helen Townsley, Great Bend, Kansas.—License to cover construction permit (B4-P-3509) for move of transmitter.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Marvel Laboratories, 1205 Market St., Louisville, Ky., are charged in a complaint with misrepresentation in connection with the sale of a product designated "Marvel Coal-Pep," advertised and recommended by them as being capable of increasing the heating effectiveness of coal and of reducing soot and smoke (4838).

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Adams Laboratories, Inc., 4005 Washington Blvd., St. Louis, has entered into a stipulation to discontinue representing that the medicinal preparation it sells under the name "Prunlax" is a remedy or cure for constipation, aids in toning up the liver or kidneys, and is effective in the treatment or prevention of backaches, headaches, biliousness, colds, and swollen joints; that it will renew or strengthen lost energy and keep children full of energy; that it arrests colitis or the formation of hemorrhoids or fissures; and that prune juice is the basis of the preparation. The respondent stipulates it will cease and desist from representing, through the use of the brand name "Prunlax," alone or with other words or pictorial representation, that the preparation derives its laxative properties from prunes, and agrees to stop using the word "Laboratories" in connection with its business when it does not own, control and direct a laboratory where research work is conducted in connection with the production of its product. (03053)

American Oil Co., Baltimore, engaged in selling certain petroleum products designated "Amoco Gas" and "Penn Amoco Permalube Processed Oil" has stipulated to cease representing that internal combustion engines can utilize the maximum energy of Amoco Gas; that no other motor fuels have an anti-knock rating equal to that of Amoco Gas; that its use eliminates "destructive" vibration from internal combustion engines; or that Penn Amoco Permalube Processed Oil will tend to make an old car perform like it did when new without expressly limiting such claim to any detergent action which the product may have on engine deposits. (03051)

Battle Creek Dog Food Co., trading as Miller's Dog Foods, Battle Creek, Mich., selling various dry dog food preparations designated "Miller's Kibbles," "Miller's Biscuits," "Miller's Puppy Meal," "Miller's Meaties," and "Miller's Ration," and Paul C. Staae and Carl Schoonmaker, trading as Staae and Schoonmaker, Kalamazoo, Mich., and conducting an advertising agency which disseminated advertisements for the above-named products, have stipulated to cease and desist from using the terms "meat scraps," "dehydrated meat," or any terms of similar import to describe dehydrated meat meal or any product which is not meat in fact, and from use of the expression "Meaties" in the brand name "Miller's Meaties" to represent that the product contains meat. (03052)

Hercules Liquor Products Corp., 360 Furman St., Brooklyn, rectifier and blender of bottled liquors, engaged in the sale of a product designated "Piedmont Cuba Libre," has stipulated that in the advertising or labeling of the product it will cease and desist from use of the word "Cuba" as part of the trade name for the liquor product or the word "Cuba," either alone or in connection with other words or picturization, to describe the product, the effect of which tends to convey the belief to the purchaser that the rum used in the concoction of the product is of Cuban origin or manufacture. If the word "Cuba" is used to designate a liquor product which contains or is made from rum other than Cuban rum it shall be clearly and unequivocally disclosed by some other word or words that the rum used in making the product is other than Cuban rum. (3532)

Henry Millinery Import Corp., 34 West 38th St., New York, engaged in the wholesale distribution of felt hat bodies, has stipulated to cease representing that its wool felt or other products, which are composed in whole or in part of inferior materials or which are imperfect, or defective in any way, are of first, standard

or the best quality by failure to stamp on the sweatband, or elsewhere, in the absence of a sweatband (in conspicuous and legible terms which cannot be removed or obliterated without mutilating the stamped portion), a statement that the products are seconds or that they are of such other quality below standard as is the fact; selling or placing in the hands of others for sale fur felt, or other products composed in whole or in part of used or second-hand materials, under the representation that the products are new, or are composed of new materials, by failure to stamp on the sweatband, or elsewhere, in the absence of a sweatband, in conspicuous and legible terms which cannot be removed or obliterated without obliterating the stamped portion, a statement that the products are composed of second-hand or used materials; and representing in any manner that products made in whole or in part from old, used or second-hand materials are new or are composed of new material or that products which are not of first, standard or the best quality are of such quality or that they are of a quality in excess of their merit. (3533)

Prescott Drug Co., 190 South Main St., Memphis, Tenn., entered into a stipulation to cease and desist from representing that the medicinal preparation he sells under the name "Dr. Sphinx's Sarsaparilla and Iron with Iodide Potash" is effective in the treatment of bad blood, rheumatism, malaria, general rundown condition, or stomach trouble, and is a blood, liver and kidney cleanser. The respondent agrees to discontinue representing by the use of the prefix "Dr." in the brand name that the product is manufactured or offered for sale by a doctor of medicine, and to stop using the word "Sarsaparilla" to refer to any preparation which does not contain sarsaparilla in sufficient quantity to possess therapeutic value. (03054)

Sunset Art Studios, and Otto A. Juettner and Frank Schultz, all of Seattle, Wash., stipulated that in connection with the sale of photographs and picture frames they will cease and desist from:

Using the word "painting" as descriptive of colored or tinted photographs or pictures produced from a photographic plate, film, base or impression so as to imply that such pictures are oil paintings or paintings; representing that the price at which they sell their pictures is introductory, special, or reduced; representing that their pictures formerly sold for a price in excess of the usual and customary price at which they actually have been sold; selling pictures so shaped or designed that they can be framed only in odd style frames or in frames obtainable from the respondents unless prospective purchasers are definitely apprized of the fact that the frames are of an odd style, the price of which is materially in excess of that of frames of a conventional style and are obtainable only from the respondents; refusing to deliver pictures after payment has been made unless all the terms under which such delivery is withheld have been fully disclosed to and accepted by purchasers; and using the word "guaranteed" in connection with the sale of their products unless clear and unequivocal disclosure is made of exactly what is offered by way of security. (3534)

Superior Vault Co., Port Chester, N. Y., stipulated to discontinue representing that the reinforced concrete burial vaults they manufacture and sell are everlasting, permanently waterproof, absolutely resistant to condensation, or will afford permanent protection to caskets or bodies. They also agree to stop using any so-called warranty agreement that implies that their vaults are guaranteed for any period of time greater than that which can reasonably be estimated as the time during which they will be capable of complying with the provisions contained in such agreement. (3535)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Bewley Mills—Dissemination of false advertisements concerning poultry and stock feeds sold under the brand name "Bewley's Red Anchor" is prohibited under an order issued against Bewley Mills, Fort Worth, Tex. (4739)

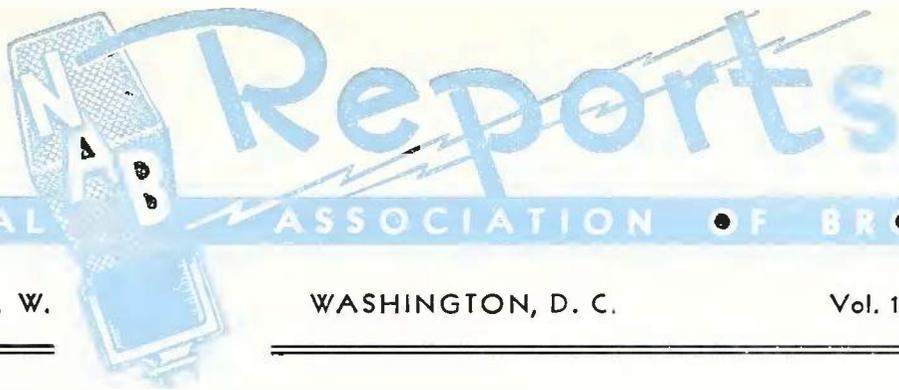
Heatless Permanent Wave Company—An order has been issued directing Irvin A. Willat, trading as Heatless Permanent Wave Co., 1122 Folsom St., San Francisco, to cease and desist from disseminating false advertisements concerning a method of heat-

less permanent waving which includes use of a curling solution found by the Commission to be unsafe when applied under some conditions and capable, in some instances, of resulting in serious and irreparable injury to health when used under the conditions prescribed in Willat's advertisements. (4663)

Kondi Co., Atlanta, Ga., has been ordered to cease and desist from misrepresentation in the sale of a dog medicine designated "Kondi Worm Specific and Conditioner." (3217)

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DISTRICT MEETINGS SCHEDULE

<i>District</i>	<i>Day</i>	<i>Date</i>	<i>Place</i>
3	Monday-Tuesday	Oct. 19-20 —	Benjamin Franklin Hotel Philadelphia, Pennsylvania
4	Friday-Saturday	Oct. 23-24	Carolina Hotel Pinehurst, North Carolina
5	Sunday-Monday	Oct. 25-26	George Washington Hotel Jacksonville, Florida
	Wednesday-Thursday	Oct. 28-29	Henry Grady Hotel Atlanta, Georgia
6	Friday-Saturday	Oct. 30-31	The Hermitage Nashville, Tennessee
12	Monday-Tuesday	Nov. 2-3	Tulsa, Oklahoma
13	Thursday-Friday	Nov. 5-6	Baker Hotel Dallas, Texas
14	Monday-Tuesday	Nov. 9-10	Salt Lake City or Ogden, Utah
16	Thursday-Friday	Nov. 12-13	Ambassador Hotel Los Angeles, California
15	Monday-Tuesday	Nov. 16-17	Fairmont Hotel San Francisco, California
17	Thursday-Friday	Nov. 19-20	Portland or Seattle
11	Tuesday-Wednesday	Nov. 24-25	Nicollet Hotel Minneapolis, Minnesota
10	Friday-Saturday	Nov. 27-28	Fort Des Moines Hotel Des Moines, Iowa
9	Monday-Tuesday	Nov. 30-Dec. 1	Palmer House Chicago, Illinois
8	Wednesday-Thursday	Dec. 2-3	Indianapolis, Indiana
7	Friday-Saturday	Dec. 4-5	Deshler-Wallick Columbus, Ohio
2	Monday-Tuesday	Dec. 7-8	New York, N. Y.
1	Wednesday-Thursday	Dec. 9-10	Boston, Massachusetts

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Howard Frazier, *Director of Engineering*; Arthur C. Stringer, *Director of Promotion*

WAR DOMINANT THEME

The relation of radio broadcasting to the war effort will be the dominant theme at the forthcoming series of District meetings. This series gets under way with a meeting at Philadelphia on Monday, October 19, and the schedule presented above will be followed closely.

These 1942 District sessions assume unusual importance because of the fact that many of the major government war agencies will be represented. The following have already advised that they will be represented:

Office of War Information
 Office of Censorship
 Office of Civilian Defense
 The War Department
 The Navy Department
 The Marine Corps
 The Treasury Department

In addition it is expected that representatives of Selective Service, the War Manpower Commission and the War Production Board will attend the sessions.

The representatives of each of the foregoing services and agencies will discuss problems of mutual concern to themselves and broadcasters.

Consistent with the theme of the sessions, the sales managers meeting on the second day will be devoted to a discussion of wartime radio advertising. Lewis H. Avery, newly appointed Director of the NAB Department of Broadcast Advertising, will key these discussions.

The breadth of subjects to be considered at these meetings suggests the importance of the attendance of every station manager and of his sales manager, as well as the head of his news department and possibly his engineer.

Radio has already contributed splendidly to the war effort but there is much to be learned about ways and means to improve that service. These meetings afford that opportunity.

Following is an outline of the tentative program which will be presented at each of the District meetings. Undoubtedly other subjects will be added.

Tentative Program for District Meetings

First Day

- 9:00 a.m.— Registration
 10:00 a.m.— Registration
 10:00 a.m.— 1. Call to Order by District Director
 2. Announcements
 3. Appointment of Committees
 4. "The War Work of NAB"—Neville Miller
 5. "Keeping People Informed on the War"—Carl Haverlin, Stations Relations Consultant, Office of War Information
 12:30 p.m.— Luncheon (This may be put on in cooperation with some civil group at the option of the Director or one of the men from the government departments could speak at the luncheon session.)

- 2:00 p.m.— 6. "Keeping the Enemy Uninformed"—Gene Carr, Office of Censorship
 7. "Financing the War"—Representative, Radio and Press Section, Treasury Department
 8. "Radio and Army Morale"—Representative, Radio Branch, Public Relations Bureau, War Department
 9. "Radio and the Men at Sea"—Representative, Public Relations Division, Navy Department
 10. "Radio and the Marine Corps"—Representative, United States Marine Corps
 11. "Radio's Contribution to Civilian Morale"—Representative, Office of Civilian Defense
 12. The Music Situation
 a. AFM—Petrillo
 b. BMI—ASCAP—SESAC—AMP
 13. Legislation
 a. Sanders Bill
 b. Tax Bill
 c. State Legislatures
 14. Plug Uglies and other Magazine Articles

Second Day

"Radio Advertising in Wartime"—A Sales Managers Clinic

- 10:00 a.m.— 1. Call to Order by District Sales Managers Chairman
 2. Announcements
 3. Appointment of Resolutions Committee
 Panel discussions of the following subjects will be led by Lew Avery:
 4. Tying Broadcast Advertising to the War Effort—But NOT to the War.
 5. Radio Leaves Such a Good Taste—Let's Keep it in Good Taste (Magazine articles and replies)
 6. Recommended Standards for the Determination of Coverage Maps
 7. What Radio Buyers Want to Know
 8. Increased Use of Recommended Rate Card
 9. Per-Inquiry and Free Time Requests
 10. Building Increased Confidence in Broadcast Advertising by Reducing Errors of Performance
 11. New Ideas to Maintain or Improve Present Volume of Business
 (Every Sales Manager who attends these meetings will be expected to bring and explain one idea that: Convinced an existing account to invest more of the advertising budget in radio; brought a new account to his station; introduced broadcast advertising to a type of account that had not previously used radio in his market.)
 12. NAB Sales Helps
 13. The Outlook for Business to Keep Radio Stations Running Full Blast to Aid the War Effort.

SALES MANAGERS' CLINICS

In this industry, it is definitely trite to say: "Faced with the gravest problems the sales managers have ever been asked to solve . . ." That's what we have been saying for years. Perhaps we have cried "wolf" that once-too-often time. But the fact remains that the sales managers have some real thinking to do to meet today's needs and problems.

Probably you've read enough about the connection of the war effort with broadcasting in general to realize that winning the war is our first objective. War is, therefore, the major topic of the one-day meeting of the sales managers to be held on the second day of the district meetings. Most of the broadcast advertising carried by all stations—great and small—is helping to promote the war effort.

But, here and there, an advertiser has taken advantage of the war to enhance the appeal for his merchandise or service. How to detect such infringements of good taste and patriotism is one of the problems that will be explored by the sales managers.

Perhaps we have thought that advertising in general—and broadcast advertising in particular—has been criticized unfairly in the past. But such criticism has doubled and quadrupled within the last few months. As you all know, one publication has sought to build what amounts to an anti-radio-advertising league.

If we are honest with ourselves—and we must be—such criticism is deserved in part; must be met in whole, if we are to progress as an advertising medium. That's just what the sales managers will do at the forthcoming district meetings.

Perhaps this is no time to plan even a "slicking-up" around the house but, based on the old adage that "there's no time like the present," the Sales Managers' Executive Committee has recommended a study of the factors that contribute to good taste in broadcast advertising, looking toward the preparation of a statement that codifies the practices and principles of good broadcasting.

Evidence so far accumulated indicates that the rate of turnover among local advertisers is undoubtedly the highest in the history of our medium. What's more, the foresighted feel that this rate may even be stepped up as we swing into 1943. How, then, can we continue to hold or increase the present volume of broadcast advertising so that the owner, the manager, the program director and the newscasters can continue to render their vital service in the leading role that broadcasting is playing in the conduct of the war. You'll hear plenty about that at the district meetings, so be sure to attend.

Now that you are thinking about it—what about the future of our business in 1943? What can we reasonably expect in the light of the past? How much of what has happened in the past has a bearing on the future? Perhaps we can all contribute to such a forecast as will kindle our enthusiasm and build hope and confidence.

But that's only part of the story of the sales managers meetings that will be held on the second day of the district meetings. You'll certainly want to attend. You have ideas and plans that the whole industry can use. Perhaps you, too, can glean something of value from the ideas of others.

Recheck that list of district meetings and plan now to be at one of them.

SPECIAL MEETING NAB BOARD

A special meeting of the NAB Board of Directors will convene at the Palmer House, Chicago, on Tuesday, October 13. This meeting will immediately follow the hearing of the arguments in the government's case against the A. F. of M. and James C. Petrillo. The case will be argued on the government's behalf by Thurman Arnold, head of the Anti-Trust Division of the Attorney General's Office and NAB will present a brief as a friend of the court.

Pay Freezing

President Roosevelt on October 3 issued his long-expected wage freezing order and appointed the War Labor Board to enforce it.

In brief, the order freezes all *wage rates* at their September 15 level, except in cases where the WLB finds increases are "necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct

gross inequities, or to aid in the effective prosecution of the war."

Salaries *above* \$5,000 are frozen, too, "except in instances in which an individual has been assigned to more difficult or responsible work."

We used the italics in the previous two paragraphs because it now appears that there was a mistake in drafting the order, and that *salaries below \$5,000 were not frozen*.

Unless and until this mistake is corrected (which it probably will be), the order leaves the broadcasting industry practically untouched, because the bulk of broadcasting employees are paid on a salary basis (by the week, month or year) and not on an hourly ("wage rate") basis. As it stands, only the salaries of radio's top executives and performers are frozen.

We repeat, however, that this mistake probably will be rectified, and all salaries as well as wages will be frozen.

Within the next few days, the WLB will issue some general regulations as to enforcement. One of these probably will automatically allow any increases made prior to October 3, despite the September 15 freeze date. Another will permit so-called "automatic" increases. As an example, an employee hired with the understanding that he is to receive a \$5 increase after 6 months service will be permitted to receive that increase.

The NAB will keep you advised.

The text of the Executive Order:

By virtue of the authority vested in me by the Constitution and the statutes, and particularly by the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes," as President of the United States and Commander in Chief of the Army and Navy, and in order to control so far as possible inflationary tendencies and the vast dislocations attendant thereon which threaten our military effort and our domestic economic structure, and for the more effective prosecution of the war, it is hereby ordered as follows:

TITLE I

Establishment of an Office of Economic Stabilization

1. There is established in the Office for Emergency Management of the Executive Office of the President an Office of Economic Stabilization at the head of which shall be an Economic Stabilization Director (hereinafter referred to as the Director).

2. There is established in the Office of Economic Stabilization an Economic Stabilization Board with which the Director shall advise and consult. The Board shall consist of the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Bureau of the Budget, the Price Administrator, the Chairman of the National War Labor Board, and two representatives each of labor, management, and farmers to be appointed by the President. The Director may invite for consultation the head of any other department or agency. The Director shall serve as Chairman of the Board.

3. The Director, with the approval of the President, shall formulate and develop a comprehensive national economic policy relating to the control of civilian purchasing power, prices, rents, wages, salaries, profits, rationing, subsidies, and all related matters—all for the purpose of preventing avoidable increases in the cost of living, cooperating in minimizing the unnecessary migration of labor from one business, industry, or region to another, and facilitating the prosecution of the war. To give effect to this comprehensive national economic policy the Director shall have power to issue directives on policy to the Federal departments and agencies concerned.

4. The guiding policy of the Director and of all departments and agencies of the Government shall be to stabilize

the cost of living in accordance with the Act of October 2, 1942; and it shall be the duty and responsibility of the Director and of all departments and agencies of the Government to cooperate in the execution of such administrative programs and in the development of such legislative programs as may be necessary to that end. The administration of activities related to the national economic policy shall remain with the departments and agencies now responsible for such activities, but such administration shall conform to the directives on policy issued by the Director.

TITLE II

Wage and Salary Stabilization Policy

1. No increases in wage rates, granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in wage rates, shall be authorized unless notice of such increases or decreases shall have been filed with the National War Labor Board, and unless the National War Labor Board has approved such increases or decreases.

2. The National War Labor Board shall not approve any increase in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

Provided, however, that where the National War Labor Board or the Price Administrator shall have reason to believe that a proposed wage increase will require a change in the price ceiling of the commodity or service involved, such proposed increase, if approved by the National War Labor Board, shall become effective only if also approved by the Director.

3. The National War Labor Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between January 1, 1942 and September 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

4. The National War Labor Board shall, by general regulation, make such exemptions from the provisions of this title in the case of small total wage increases or decreases as it deems necessary for the effective administration of this Order.

5. No increases in salaries now in excess of \$5,000 per year (except in instances in which an individual has been assigned to more difficult or responsible work), shall be granted until otherwise determined by the Director.

6. No decrease shall be made in the salary for any particular work below the highest salary paid therefor between January 1, 1942 and September 15, 1942 unless to correct gross inequities and to aid in the effective prosecution of the war.

7. In order to correct gross inequities and to provide for greater equality in contributing to the war effort, the Director is authorized to take the necessary action, and to issue the appropriate regulations, so that, insofar as practicable, no salary shall be authorized under Title III, Section 4 to the extent that it exceeds \$25,000 after the payment of taxes allocable to the sum in excess of \$25,000. Provided, however, that such regulations shall make due allowance for the payment of life insurance premiums on policies heretofore issued, and required payments on fixed obligations heretofore incurred, and shall make provision to prevent undue hardships.

8. The policy of the Federal Government, as established in Executive Order No. 9017 of January 12, 1942, to encourage free collective bargaining between employers and employees is reaffirmed and continued.

9. Insofar as the provisions of Clause (1) of section 302(c) of the Emergency Price Control Act of 1942 are inconsistent with this Order, they are hereby suspended.

TITLE III

Administration of Wage and Salary Policy

1. Except as modified by this Order, the National War Labor Board shall continue to perform the powers, functions, and duties conferred upon it by Executive Order No.

9017, and the functions of said Board are hereby extended to cover all industries and all employees. The National War Labor Board shall continue to follow the procedures specified in said Executive Order.

2. The National War Labor Board shall constitute the agency of the Federal Government authorized to carry out the wage policies stated in this Order, or the directives on policy issued by the Director under this Order. The National War Labor Board is further authorized to issue such rules and regulations as may be necessary for the speedy determination of the propriety of any wage increases or decreases in accordance with this Order, and to avail itself of the services and facilities of such State and Federal departments and agencies as, in the discretion of the National War Labor Board may be of assistance to the Board.

3. No provision with respect to wages contained in any labor agreement between employers and employees (including the Shipbuilding Stabilization Agreements as amended on May 16, 1942, and the Wage Stabilization Agreement of the Building Construction Industry arrived at May 22, 1942) which is inconsistent with the policy herein enunciated or hereafter formulated by the Director shall be enforced except with the approval of the National War Labor Board within the provisions of this Order. The National War Labor Board shall permit the Shipbuilding Stabilization Committee and the Wage Adjustment Board for the Building Construction Industry, both of which are provided for in the foregoing agreements, to continue to perform their functions therein set forth, except insofar as any of them is inconsistent with the terms of this Order.

4. In order to effectuate the purposes and provisions of this Order and the Act of October 2, 1942, any wage or salary payment made in contravention thereof shall be disregarded by the Executive Departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the Revenue Laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the Government of the United States.

TITLE IV

Prices of Agricultural Commodities

1. The prices of agricultural commodities and of commodities manufactured or processed in whole or substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on September 15, 1942 and in compliance with the Act of October 2, 1942.

2. In establishing, maintaining or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity, appropriate deductions shall be made from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, and governmental subsidies.

3. Subject to the directives on policy of the Director, the price of agricultural commodities shall be established or maintained or adjusted jointly by the Secretary of Agriculture and the Price Administrator; and any disagreement between them shall be resolved by the Director. The price of any commodity manufactured or processed in whole or in substantial part from an agricultural commodity shall be established or maintained or adjusted by the Price Administrator, in the same administrative manner provided for under the Emergency Price Control Act of 1942.

4. The provisions of sections 3(a) and 3(c) of the Emergency Price Control Act of 1942 are hereby suspended to the extent that such provisions are inconsistent with any or all prices established under this Order for agricultural commodities, or commodities manufactured or processed in whole or in substantial part from an agricultural commodity.

TITLE V
Profits and Subsidies

1. The Price Administrator in fixing, reducing, or increasing prices, shall determine price ceilings in such a manner that profits are prevented which in his judgment are unreasonable or exorbitant.

2. The Director may direct any Federal department or agency including, but not limited to, the Department of Agriculture (including the Commodity Credit Corporation and the Surplus Marketing Administration), the Department of Commerce, the Reconstruction Finance Corporation, and other corporations organized pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended, to use its authority to subsidize and to purchase for resale, if such measures are necessary to insure the maximum necessary production and distribution of any commodity, or to maintain ceiling prices, or to prevent a price rise inconsistent with the purposes of this Order.

TITLE VI
General Provisions

1. Nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act, the National Labor Relations Act, the Walsh-Healey Act, the Davis-Bacon Act, or the adjustment procedure of the Railway Labor Act.

2. Salaries and wages under this Order shall include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to, bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount as determined by the Director); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees. "Salaries" as used in this Order means remuneration for personal services regularly paid on a weekly, monthly or annual basis.

3. The Director shall, so far as possible, utilize the information, data, and staff services of other Federal departments and agencies which have activities or functions related to national economic policy. All such Federal departments and agencies shall supply available information, data, and services required by the Director in discharging his responsibilities.

4. The Director shall be the agency to receive notice of any increase in the rates or charges of common carriers or other public utilities as provided in the aforesaid Act of October 2, 1942.

5. The Director may perform the functions and duties, and exercise the powers, authority, and discretion conferred upon him by this Order through such officials or agencies, and in such manner, as he may determine. The decision of the Director as to such delegation and the manner of exercise thereof shall be final.

6. The Director, if he deems it necessary, may direct that any policy formulated under this Order shall be enforced by any other department or agency under any other power or authority which may be provided by any of the laws of the United States.

7. The Director, who shall be appointed by the President, shall receive such compensation as the President shall provide, and within the limits of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities and services necessary to discharge his responsibilities.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
October 3, 1942.

BROADCASTING NOT COVERED BY
PREMIUM PAY ORDER

The broadcasting industry is not covered by President Roosevelt's Executive Order on "premium pay."

This was made clear October 3 by a statement from Secretary of Labor Frances Perkins, in which she said the order applied only to industries engaged in *manufacture* of war products.

The previous day the NAB had applied for an exemption for the broadcasting industry, following a meeting of the Wage and Hour Committee on the subject.

The principal effect of the Executive Order would have been to require those stations not now so doing to pay time and one half for holiday work.

Sales

TAX EXEMPTION OF ADVERTISING

Paul B. West, President of the Association of National Advertisers, has issued a most helpful statement regarding the recent order dealing with the question of advertising expense as an allowable item of cost on government war contracts (see NAB REPORTS, p. 580, and also p. 515).

The warning sounded by Mr. West regarding the use of this exemption as an argument for advertising is most timely. The release follows:

"The statement of Commissioner of Internal Revenue Helvering as to the deductibility of advertising expense on corporate income tax returns is a welcome amplification of Secretary Morgenthau's statement before the Joint Congressional Committee on Taxation and bears out the clarification of the subject sent out by the Association of National Advertisers with the approval of the Internal Revenue Bureau on August 28," said Mr. West.

"Now, when our nation is at war, there is no room for uncertainties and misunderstandings. Such clear and forthright statements as that of Commissioner Helvering are of inestimable aid to business in allaying fears and permitting sound planning. The statement shows a sympathetic understanding of the problems of business and a desire to be fair and cooperative. In our conferences with Bureau officials, we found their attitude to be wholly one of cooperation and it was most gratifying to have this response to our request after pointing out the need for business to have such clarification.

"Quite naturally, the Bureau is charged with upholding the law and will have no patience with any taxpayer who seeks to avoid proper payment of taxes. This is just and reasonable. Excessive advertising expenditures, as excessive expenditures of any kind, should not be deductible, especially in this war period.

"We have noted a tendency in some quarters on the part of over-zealous advertising salesmen to use the excess profits tax as an argument for the expenditure of increased sums on advertising. I do not believe that such selling reflects the judgment or the wishes of publishers or radio station owners and that this practice is very much the exception. Nevertheless it is to be deplored and discouraged as strongly as possible. To attempt to sell advertising on a false basis implies that the publication or radio station lacks merit. We are hearing from A.N.A. member advertisers about this type of solicitation and they deeply resent it. It is obviously an unsound business practice and has always been regarded so. For salesmen to try to take advantage of the situation for selfish gain not only does harm to all advertising and business but in these times is wholly unpatriotic.

"There is plenty of occasion for business to use advertising in a perfectly legitimate and justifiable way, for advertising as an essential tool has new responsibilities and new uses for serving the ends of business and of the

nation in these critical times. It is heartening to hear this fact recognized by the government and it is up to all of us to see that the privilege is not abused."

"HOT FROM HOLLYWOOD"

Several member stations have written regarding the five-minute "Hot from Hollywood" transcriptions being offered by Thomas J. Valentino, Inc., 1600 Broadway, New York, N. Y. In response to an inquiry from the Department of Broadcast Advertising, Mr. Valentino reports:

"The transcriptions entitled 'Hot from Hollywood' are designed to maintain a public interest in news of Hollywood personalities. These transcriptions are being prepared on behalf of various members of the motion picture industry and consist of a good-will gesture in which is included a dramatization of scenes from forthcoming motion pictures. No advertising of any kind is included in these programs and the only mention of the title of the picture is to identify the scene which is dramatized. The distributor of the picture is in nowise mentioned."

Under the circumstances, the Department strongly advises against the use of these five-minute transcriptions on a sustaining basis. However, Mr. Valentino adds in his letter that: "These entertainment programs . . . may be broadcast by the station for local sponsors without any payment to us".

Since one of the member stations has reported that these transcriptions are definitely entertaining and of good quality, the availability of this series may offer you an opportunity to interest a local theatre or group of theatres in the use of your facilities. Similar programs have been successfully sold by other stations to women's ready-to-wear, shoe, department and similar stores.

PER-INQUIRY AND FREE TIME REQUESTS

Vanderbie and Rubens, Inc., 410 N. Michigan Ave., Chicago, Ill., is seeking per-inquiry deals in an effort to sell the Le Roy piano lessons. Many stations are carrying this account on a straight rate-card basis, so the business can be obtained that way.

Several members stations have reported letters from the "Doughboy Commemorative Committee" to observe the 25th anniversary of the serving of the first donut in World War I. Although the president of the committee insists that the activity is sponsored by a group of patriotically inclined war veterans, he admits that the sponsors of the "National Donut Week"—which oddly coincides with the commemorative activity—are co-operating. To NAB, it looks like a good opportunity to sell a local bakery on some broadcasting advertising.

WPB RATING ORDER P-133 ASSIGNS BROADCASTERS A-1-J

Assignment of preference ratings to facilitate the acquisition of equipment and supplies for the maintenance and repair of radio broadcast and commercial sound-recording facilities is provided in Preference Rating Order P-133, issued October 5 by the War Production Board.

The order may not be used for any expansion, improvement or change of design of equipment. It covers only materials needed for maintenance and repair and assigns the preference rating A-1-j to all operators of radio and communication facilities, including broadcasting, police, direction-finding and aviation facilities, as well as all commercial sound-recording studios. The rating, however, is assigned only after the operator has complied with nine conditions stipulated in section (e) of the order.

Plans are also under way to allocate materials and manufacturing facilities to make available vacuum tubes and

other parts on the A-1-j preference rating. This should eliminate the necessity in most instances in filing PD-1-A applications.

Preference ratings for maintenance and repair of radio communication equipment formerly were assigned by P-129, which expired September 30. The new order replaces this one, and extends the field somewhat, since P-129 was primarily designed to cover maintenance of telephone equipment.

The order reads as follows:

PART 3037—ELECTRONIC EQUIPMENT [Preference Rating Order P-133]

Section 3037.5 *Preference Rating Order P-133*—(a) *Definitions*. For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not, the United States, and the several states thereof, and any political, corporate, administrative or other division of agency thereof, to the extent engaged in any activity listed in Schedule A, hereof.

(2) "Material" means any commodity, equipment, accessory, assembly, or product of any kind.

(3) "Maintenance" means the upkeep of an operator's buildings, structures and equipment in sound working condition; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(4) "Repair" means the reconstruction or restoration without expansion, improvement or change of design of any portion of an operator's buildings, structures and equipment when such portion has been rendered unsafe or unfit for service by wear and tear or other similar causes, but not including reconstruction or restoration of any portion damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(5) "Operating supplies" means any material which is essential to and consumed directly in the operation of any of the services specified in (a) (1) above but does not include recording discs, film, other recording media, fuel, office or building supplies, or equipment of any kind.

(b) *Assignment of preference rating*. Subject to the terms of this order, preference rating of A-1-j is hereby assigned:

(1) To deliveries of material to an operator for operating supplies and for maintenance and repair.

(2) To deliveries to any supplier of material to be physically incorporated in other material required by an operator for operating supplies, maintenance or repair.

(c) *Persons entitled to apply preference rating*. The preference rating hereby assigned shall be applied where a preference rating is required to obtain material for maintenance, repair and operating supplies by:

(1) Any operator engaged in an activity in Schedule A hereof and may be applied by

(2) Any supplier, provided deliveries to an operator or another supplier are to be made by him, which are of the kind specified in paragraph (b) and have been rated pursuant to this order.

(d) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Restrictions on inventory and use*. The preference rating hereby assigned may be applied by any operator, provided:

(1) Such rating is not used to replace in inventory more than one spare tube for each active tube socket.

(2) Such rating is not used to replace in inventory any spare parts except:

(i) Those subject to frequent failure, deterioration or other exhaustion.

(ii) Those which are so unique that failure would inevitably result in long delay in resumption of essential operations.

(3) Such rating is not used in any case to increase the value of an operator's inventory of repair parts, other than tubes, above the value of such inventory on the date of this order.

(4) Such rating is not used to replace in inventory a new part if the defective part can be repaired with a smaller consumption of raw material.

(5) The tube which has been replaced from operator's inventory or for which replacement is required has been operated to failure.

(6) The operator has returned to the manufacturer any power tube rated at 25 watts or more which has failed, unless such tube is to be repaired.

(7) Equipment which has failed has been operated within the ratings specified by the manufacturer.

(8) Such rating is not used to build up inventory of operating supplies other than tubes, in excess of requirements for a three-month period.

(9) Such operator was actively engaged in one of the activities listed on Schedule A hereof, on the date of issuance of the order, or has received specific authorization for his installation from the Director General for Operations of the War Production Board.

(f) *Application and extension of rating.* An operator or supplier, in order to apply the preference rating assigned by this Order, shall endorse the following statement on the purchase order or contract for such material signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purposes.

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar.

..... Name of Purchaser	..... Address
By..... (Signature and title of duly authorized officer)	..... Date

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

1. Radio communication, including broadcasting.
2. Sound recording for commercial purposes.
3. Radio direction finding.

WPB CURTAILS BATTERY PRODUCTION

An overall control over production of dry cell batteries and flashlights for civilian use was ordered today by the War Production Board.

Cuts in civilian production of both batteries and flashlights in the hands of manufacturers were put under priority control.

At the same time, the order (L-71, as amended) permits smaller plants which do not have large military orders to

operate at a considerably greater rate of civilian production than larger plants. The latter are for the most part operating at capacity on orders for the armed forces.

It is expected that this action will assure continued operation of the smaller plants in the industry in spite of the production cuts which have been ordered. Further steps may be taken toward this end after an opportunity to consider the effects of the present order.

Curtailement of civilian production, put on a quarterly basis, will have these results:

Only 35 per cent of the number of radio batteries produced in 1941 will be manufactured. These will be primarily for radios used on farms. Batteries for the portable type of radio are entirely eliminated as being non-essential, since most of these sets can operate on A.C. household current.

Production of flashlight batteries will be cut one-half, compared to 1941 output.

Other types of dry cell batteries will be reduced 10 per cent, although the order provides that batteries for hearing aids and railroad lanterns will be produced in greater quantity during the quarter ending December 31, 1942.

No direct restriction is placed on sales of lights in the hands of dealers and wholesalers, but the only way they can replenish their stocks is by certification that their sales have been only for A-10 or higher orders. Therefore, unless dealers and wholesalers restrict their sales to A-10 or better order, they will be unable to replace their inventories.

Use of raw materials is further restricted by the order, which originally (March 27) imposed strict control over the use of critical materials in flashlights and batteries. The amended order allows use of copper and copper base alloy for electrical connections up until October 31, if the materials had been in inventory before October 2. After October 31, no copper except in wire and brass plating will be permitted.

As a result of the production cuts and raw material restrictions, approximately 8,000 tons of zinc will be saved, about 1,000 tons of copper, and several hundred tons of steel compared to 1940 consumption. In addition, badly needed production facilities for military purposes will be made available.

RADIO BATTERIES: Class A Manufacturers will be allowed 30 per cent of their 1940 monthly production. These manufacturers include the following: General Dry Batteries, Inc., of Cleveland, Ohio; National Carbon Company, Inc., of New York, N. Y., and Ray-O-Vac Company of Madison, Wisconsin.

Class B Companies, including all other manufacturers of radio batteries in the field, will be allowed to produce batteries equal to their 1940 production.

The guiding principle behind this determination of production of batteries and portable lights was to provide for an equitable distribution of permitted production among all manufacturers. The result is expected to be that a minimum of dislocation in the battery industry will be felt because of the essential curtailement of output.

It seems obvious that radio "B" batteries commonly used in remote control amplifiers and field equipment are going to become increasingly difficult to obtain. There is also a patriotic duty to limit the use of these batteries to equipment which cannot be powered from either 6 volt storage batteries or commercial electric power supplies. Station engineers should carefully consider the advisability of providing A.C. rectifiers or 6 volt vibrator type power supplies to remote control equipment now operated from dry batteries. Such conversions will not only conserve the critical materials used in the manufacture of dry batteries but in most cases will reduce the maintenance expense on the equipment as well as insuring continued operation during the emergency.

SUPPLEMENTARY GAS RATIONS

Applicants for additional rations of gasoline are urged to arm themselves with the necessary facts about their driving requirements before asking their Local Rationing Boards for supplemental cards.

Not only must the applicant sign his statement of fact,

but, if he is an employee and the supplemental ration is needed to carry on his work he must also present the affidavit or affirmation of his employer, or an authorized representative of his employer.

Under the gasoline rationing regulations, the board is authorized to grant supplemental rations only if it finds that they are "essential to life or to the pursuit of a gainful occupation and that no reasonably adequate alternative means of transportation are available." The board in granting a supplemental ration will issue an A card or whatever B card or combination of cards, are necessary to provide for the amount of the ration.

The applicant must state why his present ration is insufficient. He must support this reason with facts. Next, the applicant must state what means of public transportation are available to him.

Other questions ask the applicant to state what vehicles owned by members of his family, or by friends or business associates are available to his use, and to specify what effort has been made to "double-up" with other car owners.

Generally speaking, workers in the broadcasting industry should experience no difficulty in getting B cards entitling them to gasoline for occupational driving based on their requirements up to 470 gallons a month. Under Section 1394.506 (k) (2) of the Gasoline Rationing Regulations, workers in the radio broadcasting industry including executives, technicians or office workers but not including salesmen are eligible to apply for preferred mileage (C cards).

TIRE RATIONING

Under Amendment 33, effective October 8, to the Revised Tire Rationing Regulations, "communications facilities" is included under List A entitling workers requiring transportation to or from communication facilities, which includes radio broadcasting, to apply for certificates to purchase new automobile tires except when public transportation facilities are readily available. Heretofore workers in the radio broadcasting industry were entitled only to recaps under List B.

MONOPOLY CASE ARGUED

Argument was had Thursday in New York on the pending motions in the cases of CBS and NBC against the FCC. The Commission's motion for summary judgment and the networks' motions for temporary injunctions were heard by the statutory three-judge court composed of Judges Learned Hand (C. J.), Goddard and Bright. No decision had been handed down when this issue went to press.

June 1 the Supreme Court ruled that the Commission's network regulations should be subjected to judicial review before they were put into effect. The Commission had contended that the network regulations amounted to nothing more than a statement of policy, and that broadcasters had no right to contest these rules in court until they were actually hurt by them,—that same network affiliate would have to put his license in jeopardy before the rules could be tested. But the Supreme Court said, no. The Commission is now seeking summary judgment in its favor, and the networks temporary injunctions pending decision on the merits of the case.

"FOUR FREEDOMS"

A copy suitable for framing of "Our Freedoms and Rights", prepared by the National Resources Planning Board, is being sent to all radio stations. This emphasizes the freedoms for which we are fighting; namely, freedom of speech and expression, freedom of worship, freedom

from want and freedom from fear, and was transmitted to Congress by the President on January 14, 1942.

Rev. W. A. Burke, S.J.

Father Burke, former faculty director of Station WWL, New Orleans, and Station WEW, St. Louis, died September 18 in New Orleans after a long illness. He was 61. For many years Father Burke was interested and active in NAB affairs. He will be missed.

FEDERAL COMMUNICATIONS COMMISSION

TUBE SURVEY

FCC Chairman James Lawrence Fly said at his press conference early this week that it has not been decided if the results of the recent tube survey will be made public. If the results are given out he stated it will be in the near future.

DENNY, NEW FCC GENERAL COUNSEL

FCC today announced the appointment of Charles R. Denny, Jr., as General Counsel to succeed Telford Taylor who has been commissioned as a Major in the Army. Mr. Denny has been with the Commission since February of this year when he came over from the Department of Justice where he was chief of the Appellate Section of the Lands Division.

Mr. Denny was born in Baltimore, Md., on April 11, 1912. He has resided in Washington for several years and attended the public schools there. He was graduated from Amherst College in 1933 and from Harvard Law School in 1936. From 1936 to 1938 he was associated with the Washington law firm of Covington, Burling, Rublee, Acheson & Shorb. From 1938 to February 1942 he was in the Lands Division of the Department of Justice.

FORCE TO OWI

Arthur Force of NBC has been named editor of the radio news section, News Bureau, Office of War Information.

Mr. Force comes to OWI with fifteen years newspaper and radio news experience. He was night news editor of the National Broadcasting Company in New York City and previously worked on newspapers in New York, Newark, Detroit and Toledo.

The OWI radio news section will become the liaison agency for radio news press associations, newscasters and news commentators.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, October 12. They are subject to change.

Monday, October 12

WINK—Mid-American Broadcasting Corporation, Louisville, Ky.—Modification of C. P., 1080 kc., 1 KW night, 5 KW day, DA-day and night, unlimited.

Tuesday, October 13

W55NY—William G. H. Finch, New York, N. Y.—Modification of C. P., 45500 kc., 8,500 sq. mi., unlimited.

Wednesday, October 14

KFSD—Airfan Radio Corporation, Ltd., San Diego, Calif.—Modification of C. P., under C. P., 600 kc., 5 KW, unlimited.

Thursday, October 15

NEW—Larus and Brother Company, Inc., Richmond, Va.—C. P., 1646, 2090, 2190, 2830 kc., 40 watts, EM-A3, Sec. 4.24.

NEW—Larus and Brother Company, Inc., Richmond, Va. Transmitter location: 12 mi. SE of Richmond, Va., on James River.—C. P., 1646, 2090, 2190, 2830 kc., 35 watts, EM-A3, unlimited.

Friday, October 16

K51L—St. Louis University, St. Louis, Mo.—Modification of C. P., 45100 kc., 13,000 sq. mi., unlimited.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—C. P., 560 kc., 100 watts night, 250 watts day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KAND—Navarro Broadcasting Assn., N. C. West, Pres., Corsicana, Texas.—Granted modification of license to use as main studio the present auxiliary studio at ½ mile north of Corsicana on Highway 75. (B3-ML-1140.)

WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted license to cover construction permit as modified, for installation of directional antenna for night use, increase in power, and move of transmitter (B2-L-1559); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1295); granted license to cover construction permit as modified, for 100 watt synchronous amplifier for daytime use (B2-L-1442); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1442).

KWKW—Southern California Broadcasting Co., Pasadena, Calif.—Granted license to cover construction permit as modified, for new broadcast station (B5-L-1711); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1443).

KWOS—Tribune Printing Co., Jefferson City, Mo.—Granted authority to make changes in automatic frequency control equipment (B4-F-250).

WWNY—The Brockway Company, Watertown, N. Y.—Granted modification of construction permit as modified, for installation of directional antenna for night use, change of frequency, increase power, change hours of operation and move transmitter, for extension of completion date from October 16 to December 16, 1942 (B1-MP-1642).

KXO—Valradio, Inc., El Centro, Calif.—Granted motion for continuance of hearing set for October 1, 1942, on application for modification of license to change frequency from 1490 to 1230 kc., and continued said hearing until November 2, 1942. (Docket No. 6365.)

WIUC—University of Illinois, Urbana, Ill.—Granted license to cover construction permit as modified, for new non-commercial educational broadcast station (B4-LED-7).

KEJM—Perkins Brothers Company (The KEJM Sioux City Journal), Portable Mobile, Area of Sioux City, Iowa.—Granted modification of relay broadcast station license to change name of licensee from Perkins Brothers Company (The

Sioux City Journal) to Perkins Brothers Company (B4-MLRE-109).

W6XDU—Don Lee Broadcasting System, Portable Mobile, Area of Los Angeles, Calif.—Granted modification of construction permit which authorized the addition of aural equipment using special emission, for extension of completion date from September 1 to December 1, 1942 (B5-MPVB-86).

WINS—Hearst Radio, Inc., New York City.—Granted modification (B1-MP-1649) of construction permit (B1-P-3026) for extension of completion date to November 3, 1944. Also granted construction permit (B1-P-3511) to increase power from 1 to 5 KW, change hours of operation to unlimited time and install a new transmitter and directional antenna for day and night use and move transmitter; and granted construction permit (B1-P-3512) to increase power to 10 KW, change hours of operation to unlimited time and install a new transmitter and directional antenna for day and night use, and move transmitter. (Applications B1-P-3511 and B1-P-3512) request the use of directional antenna authorized under (B1-MP-1259). The station has agreed to surrender its 50 KW transmitter to the government for urgent war needs.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted license (B2-L-1715) to cover construction permit (B2-P-3281) for increase in power to 5 KW, changes in directional antenna for night use and authority (B2-Z-1449) to determine operating power by direct measurement of antenna power.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted modification (B3-MP-1601) of construction permit (B3-P-2539) for changes in directional antenna and 60 day extension of commencement and completion dates. This grant is made contingent upon the installation of an antenna system when conditions make it feasible, which will provide proper protection to WWVA and will also produce the required effective field set forth in the Standards.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted modification (B2-MP-1641) of construction permit (B2-P-2540) as modified for changes in directional antenna for night-time use, contingent upon WWVA taking whatever measures are necessary to afford complete protection to KVOO when materials and engineers again become readily available.

DESIGNATED FOR HEARING

KWFT—Wichita Broadcasting Co., Wichita Falls, Texas.—Designated for hearing modification of license application (B3-ML-1057) to increase night power from 1 to 5 KW, make changes in directional antenna and use directional antenna at night only.

WCSH—Congress Square Hotel Co., Portland, Maine.—Designated for hearing application (B1-P-3490) to install a new transmitter.

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Designated for hearing application (B4-P-3496) to increase night-time power from 1 to 5 KW, and make changes in directional antenna for night use.

Olympic Broadcasting Corp., Bremerton, Wash.—Designated for hearing application (B5-P-3367) for new station to operate on 1540 kc., 500 watts, unlimited time.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Designated for hearing application (B1-P-3337) for construction permit to make changes in antenna system and to move main studio and transmitter site; also (B1-R-185) for renewal of license. On February 16, 1941, this station was destroyed by fire and has remained off the air since that date. Since October 1, 1941, temporary extensions of license have been granted from month to month.

LICENSE RENEWALS

Granted renewal of following relay broadcast station licenses for the period October 1, 1942, to not later than October 1, 1944:

KABF, McClatchy Broadcasting Co.; KBQA, Winona Radio Service; KDAC, KARM, The George Harm Station; KIEO, Airfan Radio Corp., Ltd.; KNEB, KNEC, Puget Sound Broadcasting Co., Inc.; KSCR, McClatchy Broadcasting Co.; KWFR, Wichita Broadcasting Co.; WADA, Charleston Broadcasting Co.; WAHJ, The Champaign News-Gazette, Inc.; WAIX, WJHL, Inc.; WALH, Piedmont Publishing Co.; WASJ, City of New York,

Municipal Broadcasting System; WATB, Indianapolis Broadcasting, Inc.; WAUC, Matheson Radio Co., Inc.; WAXD, The Birmingham News Co.; WAXH, Savannah Broadcasting Co.; WAXL, Jonas Weiland; WBGH, The Champaign News-Gazette, Inc.; WBLR, Columbus Broadcasting Co., Inc.; WCBJ, Lehigh Valley Broadcasting Co.; WDAC, State of Wisconsin, University of Wisconsin; WHPT, Radio Station WMFR, Inc.; WJAE, WJNO, Inc.; WJJW, Greenville Broadcasting Co.; WJWA, Birney Imes; WNYK, WNYL, WNYN, WNYO, City of New York, Municipal Broadcasting System; WQER, Georgia School of Technology; WSMA, WSMC, WSMB, Inc.

Granted renewal of following relay broadcast station license for the period October 1, 1942, to not later than July 21, 1944:

WAOB, National Broadcasting Co., Inc.

Granted extension of following relay broadcast licenses, upon a temporary basis only, pending receipt and/or determination upon applications for renewal of licenses, in no event later than November 1, 1942:

KAAN, Southern Minnesota Broadcasting Co.; KBTB, Red River Broadcasting Co., Inc.; KGBK, Helen Townsley; KGKF, KGKL, Inc.; WAEA, W. A. Patterson; WAFK, A. Frank Katzentine; WENM, The Evening News Association.

The following stations were granted renewal of licenses for the period ending February 1, 1943:

KFJB, Marshalltown, Ia.; KFXD, Nampa, Idaho; KHAS, Hastings, Neb.; KVNU, Logan, Utah; WAJR, Morgantown, W. Va.; WBOC, Salisbury, Md.; WCAT, Rapid City, S. Dak.; WDSM, Superior, Wisc.; WHBY, Appleton, Wisc.; WHOP, Hopkinsville, Ky.; WISE, Asheville, N. Car.; WJOB, Hammond, Ind.; WOLS, Florence, S. Car.; WRBL, Columbus, Ga.; WTOL, Toledo, Ohio.

The following stations were granted renewals for the period ending April 1, 1943:

KAVE, Carlsbad, N. Mex.; KVSO, Ardmore, Okla.; WCOU, Lewiston, Maine; WFTM, Fort Myers, Fla.; WINN, Louisville, Ky.; WJLS, Beckley, W. Va.; WGAC, Augusta, Ga.; WJW, Akron, Ohio; WOMT, Manitowoc, Wisc.; WPID, Petersburg, Va.; WSAY, Rochester, N. Y.

The following stations were granted renewals for the period ending June 1, 1943:

KPDN, Pampa, Texas; KROC, Rochester, Minn.; KSUB, Cedar City, Utah; KVIC, Victoria, Texas; KVOL, Lafayette, La.; KWOC, Poplar Bluff, Mo.; WAML, Laurel, Miss.; WCLS, Joliet, Ill.; WCMI, Ashland, Ky.; WDAK, West Point, Ga.; WGAA, Cedartown, Ga.; WGAU, Athens, Ga.; WINX and amplifier, Washington, D. C.; WLNH, Laconia, N. H.; WMFF, Plattsburg, N. Y.; WSAJ, Grove City, Pa.

The following stations were granted renewals for the period ending October 1, 1944:

KFGO, Boone, Ia.; KFOX, Long Beach, Calif.; KLS, Oakland, Calif.; KOL, Seattle; KVOA, Tucson, Ariz.; WKST, New Castle, Pa.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Granted renewal of license for the period ending December 1, 1944.

MISCELLANEOUS

WAWU—The Baltimore Radio Show, Inc., Area of Baltimore, Md.—Cancelled relay broadcast station license in accordance with written request (B1-RRE-358).

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mexico; KVSF—Santa Fe, N. Mexico.—Dismissed without prejudice applications for construction permits (Docket No. 6142 and Docket 6143), since applicant has failed to file petitions indicating desire to prosecute applications in conformity with Memo. Opinion of April 27, 1942.

KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—Dismissed without prejudice application (B3-P-3153) for construction permit to operate with 5 KW, unlimited time, and install a new transmitter.

Hughes Productions, Division of Hughes Tool Co., Los Angeles, Calif. and San Mateo County, Calif.—Petition for 6-months' continuance of hearing granted for period of 60 days; hearing granted for period of 60 days; hearing now set for Oct. 7 continued to December 7, in re applications for new television stations.

WINK—Mid-American Broadcasting Corp., Louisville, Ky.—Granted motion for continuance of hearing now set for October 12 to November 13 on application for modification of construction permit (B2-MP-1589).

W55NY—William G. H. Finch, New York City.—Motion for 6-months' continuance of hearing now set for Oct. 13, granted for 60 days, and continued hearing to December 14 in re application for modification of construction permit (B1-MPH-104).

Northeastern Penna. Broadcasters, Inc., Wilkes-Barre, Pa.—Reserved decision until next week on petition for specification of issue in re further hearing on application for a new station in Wilkes-Barre.

Hennessy Broadcasting Co., Butte, Mont.; Marclay Craighead, Butte, Mont.—Granted petition to dismiss without prejudice applications for new station (B5-P-3158 and B5-P-3103).

WOKO—WOKO, Inc., Albany, N. Y.—Granted petition to dismiss without prejudice application for construction permit (B1-P-3238).

APPLICATIONS FILED AT FCC

580 Kilocycles

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—License to cover construction permit (B5-P-3428) for move of transmitter.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Authority to determine operating power by direct measurement of antenna power.

600 Kilocycles

WCAO—The Monumental Radio Co., Baltimore, Md.—License to cover construction permit (B1-P-3024 as modified), which authorized increase in power, installation of new transmitter, directional antenna for day and night use and move of transmitter.

WCAO—The Monumental Radio Co., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power.

WSIS—Piedmont Publishing Co., Winston-Salem, N. C.—Modification of construction permit (B3-P-2814 as modified), which authorized change in frequency, increase power, new transmitter, move transmitter and directional antenna, for extension of completion date from 10-22-42 to 12-22-42.

710 Kilocycles

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Modification of construction permit (B3-P-3355 as modified), which authorized change in frequency, increase in power, installation of new transmitter, directional antenna for night use and move of transmitter, for extension of completion date from 11-5-42 to 1-5-43.

910 Kilocycles

WRNL—Richmond Radio Corp., Richmond, Va.—License to cover construction permit (B2-P-3505) for changes in directional antenna system for night use.

WRNL—Richmond Radio Corp., Richmond, Va.—Authority to determine operating power by direct measurement of antenna power.

WRNL—Richmond Radio Corp., Richmond, Va.—License to use the directional antenna system as authorized under construction permit (B2-P-3505) with auxiliary transmitter.

WRNL—Richmond Radio Corp., Richmond, Va.—Authority to determine operating power of auxiliary transmitter by direct measurement of antenna power.

940 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of construction permit (B3-P-3043 as modified), which authorized change in frequency, increase in power, directional antenna for day and night use and move of transmitter for extension of completion date from 10-6-42 to 11-6-42.

1000 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Construction permit to increase power from 1 KW to 5 KW, change hours

TELEVISION APPLICATIONS

W8XCT—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-PVB-23 as modified) which authorized construction of new television broadcast station for extension of completion date from 10-28-42 to 4-28-43.

MISCELLANEOUS APPLICATIONS

WEGR—Westinghouse Radio Stations, Inc., area of Philadelphia, Pa.—License to cover construction permit (B2-PRE-423) which authorized construction of new relay broadcast station.

WJZM—Roland Hughes, Clarksville, Tenn.—Voluntary assignment of license to William Kleeman.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Harlem Company, 30 Church St., New York, is charged in a complaint with misrepresentation. (4843)

Happy Hostess Candy Company, Inc., and Harry Rachlin, as its president, 615 South Peoria St., Chicago, are charged in a complaint issued with use of lottery methods in the sale and distribution of their products. (4842)

Hecht Company, also trading as Hecht Bros., Baltimore, operating department stores in Baltimore, Washington and New York, is charged in a complaint with misrepresentation in the sale of mattresses. (4840)

Innerclean Manufacturing Co., 846 East Sixth St., Los Angeles, and Wilbur C. Jeffries, engaged in the advertising business as W. C. Jeffries Co., 165 North LaBrea Ave., Los Angeles, are charged in a complaint with misrepresentation in the sale of a medicinal preparation (4839)

Leonard Custom Tailors Co., also trading as Leonard Custom Tailors Co., Leonard Custom Tailors and as Avon Park Clothes, Textile Building, Cincinnati, Ohio, manufacturers and distributors of men's clothing, is charged in a complaint with misrepresentation. (4845)

Richman Brothers Co., 1600 East 55th St., Cleveland, Ohio, manufacturers and distributors of men's clothing, which operate approximately 62 retail stores in 47 states throughout the country, is charged in a complaint with misrepresentation. (4844)

Van Camp Sea Food Co., Inc., Terminal Island, Calif., packer and distributor of canned fish, including tuna, is charged in a complaint with violation of the Robinson-Patman Act by making unlawful discriminations in price and in services in connection with the sale of its products. (4841)

of operation from limited time to unlimited time, install new transmitter, directional antenna for day and night use and change location of transmitter from Paterson Plank Road, Carlstadt, N. J., to near Kingsland, N. J.

WINS—Hearst Radio, Inc., New York, N. Y.—Construction permit to increase power from 1 KW to 10 KW, change hours of operation from limited time to unlimited time, install new transmitter, directional antenna for day and night use, and change location of transmitter from Paterson Plank Road, Carlstadt, N. J., to near Kingsland, N. J.

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3026 as modified), which authorized increase in power from 1 KW to 50 KW, change hours of operation, installation of new transmitter, directional antenna for day and night use, and move of transmitter for extension of completion date from 11-3-42 to 11-3-44.

1110 Kilocycles

WMBI—The Moody Bible Institute of Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

1140 Kilocycles

KGDM—E. F. Peffer, Stockton, Calif.—Modification of construction permit (B5-P-3199 as modified), which authorized change in frequency and hours of operation, increase power and installation of new transmitter and directional antenna for night use, for extension of completion date from 10-20-42 to 12-20-42.

1170 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Extension of special service authorization to operate unlimited time, using 25 KW night and 50 KW daytime, directional antenna night and using transmitter authorized by construction permit for the period ending 4-1-44.

1250 Kilocycles

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. Car.—Construction permit to move present licensed RCA transmitter to location of main transmitter as authorized by construction permit and use same as an auxiliary with power of 250 watts.

1290 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of construction permit (B5-P-3100 as modified), which authorized increase in night power and directional antenna for day and night use for extension of completion date from 10-16-42 to 11-16-42.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction permit to install new sampling loops.

1440 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Authority to make changes in automatic frequency control equipment.

1490 Kilocycles

WSAP—Portsmouth Radio Corp., Portsmouth, Va.—Modification of construction permit (B2-P-3097) which authorized construction of new standard broadcast station for approval of studio site, change in transmitter location and antenna changes.

FM APPLICATIONS

W63NY—Marcus Loew Booking Agency, New York, N. Y.—License to cover construction permit (B1-PH-3 as modified) which authorized construction of new high frequency broadcast station, in part in accordance with Commission action of 8-4-42.

W69PH—WCAU Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-PH-127) which authorized construction of new high frequency broadcast station.

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Memorial Granite Company, Inc., Quincy, Mass., manufacturer and distributor of tombstones and monuments, has been ordered to cease and desist from misrepresentation. (4214)

Sherman Hat Company, 159 North Wabash Ave., Chicago, and Ben D. Fogel and Louis Singer, trading as B. & L. Hat Co., 612 West Lake St., Chicago, have been ordered to cease and desist from misrepresentation in the sale of hats. In each case, the Commission finds that the respondents were engaged in the business of manufacturing women's hats from felt and other materials obtained from old, worn and previously used hats and selling their products to retailers and other dealers without disclosing by markings or labels that the hats were made from old and previously used hat bodies, such practice constituting a representation that the hats were new hats manufactured entirely from new materials. (4628-4679)

R. L. Watkins Company, 170 Varick St., New York, with its principal factory at Newark, N. J., manufacturer and distributor of various cosmetics and proprietary products, including a dentifrice known as "Dr. Lyon's Tooth Powder," has been ordered to cease and desist from misrepresentation of its dentifrice product. (3596)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Alert Safety Products Corp., 879 Broadway, Newark, N. J., engaged in the sale and distribution of a product designated "Sure-Out," purportedly for use in extinguishing magnesium incendiary bombs, has stipulated to cease and desist from representing that the product has been proven to be effective in extinguishing, or will extinguish magnesium fire bombs in homes or elsewhere when in contact with combustible material; representing by the use of any statement such as "Tested By United States Governmental Agencies" or by depictions, or in any other manner, that the product has been approved, endorsed or recommended by any department or agency of the United States Government, or using statements to the effect that no dangerous gases or after odors result from use of the product. (3537)

Armor Insulating Company, 800 Forrest St., Atlanta, Ga., also trading as Defense Blackout Company, engaged in the sale and distribution of blackout material and equipment, has stipulated to cease and desist from use of the trade name "Defense Blackout Company" and from the use of the word "Defense" in any manner, the effect of which causes the belief that the corporation or its selling agency is an agency of the United States Government; and representing by use of statements, such as "Meet all the requirements of the Army, Navy and Civilian Defense," or in any other manner, that its products have been approved, endorsed or recommended by the War Department, the Navy Department, the Office of Civilian Defense, or any other department or agency of the United States Government. (3539)

Howard Wig Company, 143 West 125th St., New York, engaged in the sale and distribution of hair goods, cosmetic preparations and related products, has stipulated to cease and desist from representing that healing will be accomplished by use of Nadine Flesh Soap; that Nadinola Bleaching Cream will clear away freckles or muddy sallow skin or is capable of whitening the skin; that High-Brown Cold Cream is a skin food; that Overtons High-Brown Bleach Ointment is an effective treatment

for pimples, blackheads, eczema or other skin diseases; that Aida Hair Pomade encourages the growth of hair or is a competent treatment for dandruff; that High-Brown Hair Grower will grow hair or is a competent treatment for dandruff; that Apex Hair Preparation is an effective treatment for dandruff or for thin or falling hair; or that Apex Pomade is an effective treatment for short, thin or falling hair or thin temples, or that it constitutes an adequate treatment for scalp eruptions generally. (3536)

National Automotive Fibres, Cohoes, N. Y., engaged in the manufacture and sale of milk filter discs used in the dairy industry in the straining of milk to remove particles of foreign matter, has stipulated to cease and desist from use of the word "non-cotton" as descriptive of its discs or in any way so as to imply that the fabric of which the discs are composed contains no cotton. (3538)

B. G. Pratt Co., 50 Church St., New York, selling a medicinal preparation designated "Sulfo-Bath," has stipulated to cease and desist from representing that the product is effective for the relief of nervousness, colds, insomnia, pimples, eczema, hives or poison ivy; that it has any effect on rheumatism, neuritis, sciatica, arthritis or lumbago except to the extent that it may relieve the pains of such conditions; that it is "health-giving" or provides or causes radiant health; that it will give one energy; that by use of the product sulphur will be absorbed into the system or that it will give one a healthy or beautiful complexion; that the product relieves or aids in relieving the conditions which cause dandruff, itching scalp or falling hair or that it relieves skin troubles; or that it is effective in severe cases of athlete's foot. (03058)

Standard Sales Company, 2231 First Ave., North, Birmingham, Ala., selling a preparation known as "Speedo Headache Powders," has stipulated to cease and desist from representing that the preparation will have any effect on colds in excess of such relief as it may afford for the pain and discomfort of head colds; that it will eliminate, remedy or cure head colds, minor muscular aches, simple neuralgia or jittery nerves; that it is a stimulant or stimulates; that it contains special ingredients that dissolve in a hurry, or that the preparation is safe. (03055)

Vegetable Juice & Products Co. and **Vegetable Products Co.**, 480 East Main St., Rochester, N. Y., sellers and distributors of a product designated "ViVi-Ta Superior Wheat Germ," have stipulated to cease representing that the product will provide users with any significant amount of vitamin A or of the minerals calcium, iron, copper, magnesium or manganese; or that it can be relied upon to prevent colitis, sterility, eye cataracts, or gray hair, or to successfully treat catarrh, arthritis, neuritis, eczema, or anemia, or to stimulate the liver or pancreas, or to strengthen the heart muscles or retard old age, or to normalize calcium metabolism, or improve the condition of the sinus membranes, or the condition of the hair, nails or scalp, or to increase nerve energy, vigor, mental powers, or nerve and muscle tone, or to provide an effective aid during the period of menopause, or to exert a specific nourishing effect upon the nerves or brain; or that it will have any value in cases of constipation, lack of energy, devitalized tissues and glands and ill health except where and to the extent that such conditions may be due to a deficiency of the vitamins found in the product. (03059)

FTC CLOSES CASE

The Federal Trade Commission has closed the case growing out of its complaint against T. F. Hee, trading as The Eastern Herb Company and as T. F. Hee Herb Company, San Diego, Calif. The complaint alleged that the respondent had represented his preparation as competent treatments for several diseases and ailments.

The case is ordered closed without prejudice to the right of the Commission, should future facts so warrant, to reopen it and resume trial in accordance with its regular procedure.



1626 K STREET, N. W.

WASHINGTON, D. C.

Vol. 10, No. 41, October 16, 1942

DISTRICT MEETINGS SCHEDULE

<i>District</i>	<i>Day</i>	<i>Date</i>	<i>Place</i>
3	Monday-Tuesday	Oct. 19-20	Benjamin Franklin Hotel Philadelphia, Pennsylvania
4	Friday-Saturday	Oct. 23-24	Carolina Hotel Pinehurst, North Carolina
5	Sunday-Monday	Oct. 25-26	George Washington Hotel Jacksonville, Florida
	Wednesday-Thursday	Oct. 28-29	Henry Grady Hotel Atlanta, Georgia
6	Friday-Saturday	Oct. 30-31	The Hermitage Nashville, Tennessee
12	Monday-Tuesday	Nov. 2-3	Tulsa Hotel Tulsa, Oklahoma
13	*Wednesday-Thursday	*Nov. 4-5	Baker Hotel Dallas, Texas
14	Monday-Tuesday	Nov. 9-10	Ben Lomand Hotel, Ogden, Utah
16	Thursday-Friday	Nov. 12-13	Ambassador Hotel Los Angeles, California
15	Monday-Tuesday	Nov. 16-17	Fairmont Hotel San Francisco, California
17	Thursday-Friday	Nov. 19-20	Portland or Seattle (to be announced)
11	*Monday-Tuesday	*Nov. 23-24	Nicollet Hotel Minneapolis, Minnesota
10	Friday-Saturday	Nov. 27-28	Fort Des Moines Hotel Des Moines, Iowa
9	Monday-Tuesday	Nov. 30-Dec. 1	Palmer House Chicago, Illinois
8	Wednesday-Thursday	Dec. 2-3	Columbia Club Indianapolis, Indiana
7	Friday-Saturday	Dec. 4-5	Deshler-Wallick Columbus, Ohio
2	Monday-Tuesday	Dec. 7-8	Biltmore Hotel New York, N. Y.
1	Wednesday-Thursday	Dec. 9-10	Boston, Massachusetts (hotel to be announced)

* Note change in dates.

NAB BOARD MEETING

As announced in last week's REPORTS a special meeting of the Board of Directors was held on Tuesday and Wednesday (13-14) in Chicago. The entire Board was present with the exception of Frank King, who was ill, and J. O. Maland who was prevented from attending on account of a death in his family.

A lengthy discussion of NAB internal matters and
(Continued on page 600)

DISTRICT MEETINGS

In addition to President Neville Miller and Broadcast Advertising Director Lew Avery from the NAB staff, acceptances have been received from the Office of Censorship, represented by Gene Carr; OWI, represented by Carl Haverlin; Office of Civilian Defense, representative to be named; the Marine Corps represented by area public relations officers; the Navy, by its area public relations

(Continued on page 600)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone National 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Howard Frazier, *Director of Engineering*; Arthur C. Stringer, *Director of Promotion*

NAB BOARD MEETING

(Continued from page 599)

industry unity took place and decision was reached that the best interests of the industry will be served by the continuance of Neville Miller as president of the NAB. He was authorized to secure at the earliest possible time a proper person to serve as Director of Public Relations and to call upon a Board committee to aid him in making this selection.

The AFM situation was reviewed and the plans for the institution of cases in state courts were endorsed.

The forthcoming series of District meetings was announced and the Board pledged its support to make these meetings fully worthwhile.

DISTRICT MEETINGS

(Continued from page 599)

personnel; the Army, by Colonel Kirby, Captain Pellegrin and Robert Coulson in various sections, but present at all meetings; the Treasury Department, by Vincent Callahan or someone designated by him at various meetings.

There is still a possibility that the War Production Board and Selective Service will also be represented. These meetings offer a splendid opportunity for station managers, sales managers, news editors, engineers and program directors to confer among themselves and with government officials on subjects of vital importance.

NORRIS RESOLUTION

Neville Miller made the following comment on the radio resolution introduced in the Senate on Thursday by Senator George W. Norris, of Nebraska:

"The resolution introduced in the Senate today by Senator George W. Norris of Nebraska constitutes one of the gravest threats to freedom of speech in recent years.

"It would direct a Senate committee to determine whether a government agency should decide what the people of America should hear and what they should not hear on the radio.

"If the proposed investigation materializes, you may be sure that all the advocates of bureaucratic control of both radio and the press will be on hand to urge the enactment of a law which would put an end to the American System of Broadcasting

"In the case which led Senator Norris to introduce his resolution, the broadcasting companies involved, acting in strict accord with the National Association of Broadcasters' Code of Program Standards, refused to sell time to a consumer organization to discuss the philosophy of the consumers movement—a controversial public issue.

"This Code provides, among other things, that broadcasting stations are under an obligation to present discussion of controversial public issues without charge to the speakers, in such amount as would serve the public interest.

"Consumers' organizations frequently have been given time on the air to discuss their movement, and have been

sold time to advertise their goods when they have goods for sale."

The text of the resolution:

"Whereas, the Cooperative League of the United States of America has reported in a resolution formally adopted at the 13th biennial congress of the League that the National Broadcasting Company and the Columbia Broadcasting System had unfairly and unjustly discriminated against the League by denying the League the opportunity to purchase radio time, and:

"Whereas, This report of the Cooperative League of the United States of America raises a very vital question as to the necessity for amendments to the Communications Act of 1934: Now, therefore be it

"Resolved, That the Committee on Interstate Commerce, or any duly authorized sub-committee thereof is authorized and directed to obtain such facts as the Cooperative League of the United States of America, the broadcasting companies, the Federal Communications Commission, the Department of Justice and other government agencies and other groups of persons who may have bearing on the accuracy of the charges of discrimination against cooperatives and others by the major broadcasting companies in the sale of their radio time; and on the question whether the Communications Act of 1934 should be further amended to authorize the Federal Communications Commission to prevent such discrimination or should otherwise be amended to deal with the problem of granting further authority to the said Commission by or affecting the power of said broadcasting companies. The said committee or duly authorized sub-committee is authorized and directed to secure the assistance of other government agencies in an investigation thereof be authorized and to report to the Senate the facts ascertained in the course of the investigation and the resolution herein.

"For purposes of this resolution, the Committee or any duly authorized committee thereof is authorized to hold special hearings, to set and act at such times and places during the sessions, recesses, and adjournment period of the Senate, to require and subpoena the attendance of such witnesses and production and impounding of books, papers and documents, to administer oaths and to take such testimony as at times advisable. The cost of stenographic services to report such hearings paid in accordance of 25 cents per hundred words. The expenses of the committee or any duly authorized sub-committees thereof, which shall not exceed \$1,000, in addition to the cost of stenographic services to report such hearings shall be paid from the contingent fund of the Senate upon voucher approval by the Chairman."

COL. MARRINER ASKS EDUCATORS FOR MORE RADIO CLASSES

A letter urging the establishment of additional courses in the ESMWT-NAB course in the Fundamentals of Radio is being mailed this week and next to educational institutions.

It is signed by Colonel A. W. Marriner, Director of Communications, Army Air Forces, and is timed as a follow-up to similar letters written by member stations.

As an indication of the excellence of graduates of Parts I and II of Fundamentals of Radio, it was learned yesterday that two young women, after the 32 weeks of instruction, were among those engaged to teach men and women working on secret radio equipment for the fighting forces.

Stations are urged to make known to educators their willingness to cooperate in recruiting students.

Broadcasters should also see to it that new courses in their areas have enough women students or men civilians, outside of the draft, to fill the gaps left by their technicians being called to the colors.

The armed forces, which are among the heaviest users of radio, know that broadcast stations must be kept operating in spite of the inroads which they continue to make on technical personnel.

The law under which ESMWT disbursements are made governs admissions. The tendency is to limit to those

required for the Enlisted Reserves of the Air Forces and Signal Corps and industry. Those required for industry, while considerable, are only a fraction of the number required by the above mentioned forces.

Men who maintain a good average in the Fundamentals of Radio will be deferred from active duty.

It is urged that this fact never be particularly stressed in any announcement which educational institutions may ask you to make when recruiting. This training, in itself, must never be permitted to develop into a fox-hole for anyone who might wish to delay military service.

On the other hand, these courses, with deferment which permits students to produce while learning, are a decided advantage to the Air Forces, Signal Corps and the Nation.

For the record, Colonel Marriner's letter to educators is reproduced in full:

"The tremendous expansion of the Army Air Forces require that a large number of additional radio men be trained. The demand is taxing existing Army communications training facilities. As was pointed out recently by General Sommervell, the armed forces must depend to an increasing extent upon educational institutions throughout the United States to furnish preinduction training.

"To assist in filling the demands of the Army Air Forces for additional communications personnel, arrangements have been completed recently whereby ESMWT institutions will train individuals in the Enlisted Reserves, in accordance with the following:

"Those eligible for enlistment must be high school graduates with at least two years of high school math.

Physical Requirements

"Must be able to pass Army physical examination. However, it is possible for those qualified for limited service only to enter in accord with the recent relaxation of physical entrance requirements for the Army.

How the Plan Operates

"Those enlisting will be permitted to take the special 16 weeks course of instruction in Fundamentals of Radio I. Those passing this first course satisfactorily may enter the class in Fundamentals of Radio, II. The maximum draft deferment permitted is 9 months. Anyone who fails to make a reasonably good showing in the course is subject to immediate induction.

"At the completion of the course the trainee is subject to call to active duty. Upon entering the Army Air Forces he will be assigned either to an Army Air Forces technical training school or will be sent directly to operational training units.

"After induction into the Army Air Forces, following the successful completion of the course in fundamentals of radio, the men may be given considerable latitude in exercising their preference for intensive training in any particular phase of communications. There is a need for radio men in the air crews and in the ground crews. Flying is optional.

How to Arrange Courses

"Arrangements to establish courses for training men enlisting in the Enlisted Reserve Corps of the Army Air Forces are made with the Office of Education through local ESMWT representatives. In instances where courses are now set up for giving instruction in the fundamentals of radio, it is not necessary to set up a new course. Instead, those desiring to enter the Enlisted Reserve Corps of the Army Air Forces may do so merely by contacting their local recruiting office. Application blanks in whatever quantity you need will be sent on your request.

"If you have any question, please write directly to me. Also I should appreciate hearing of your plans and progress. By working together we can do much towards alleviating this shortage of radio men in the armed forces."

More Radio Courses Planned in Connecticut

At the call of Franklin M. Doolittle, president, WDRC, Hartford, Conn., and Dean J. H. Lampe of the University of Connecticut, broadcasters and educators met in Hartford on September 30 to lay plans for the training of additional radio technicians.

Present courses terminate during the first part of December. An expanded teaching program to be given shortly thereafter was agreed upon. The educators are now engaged in a survey to estimate the number of students they can train up to March 1, 1943.

Those attending, in addition to Mr. Doolittle and Dean Lampe, were:

Paul H. Nelson, University of Connecticut, Storrs; T. C. McCray, WTIC, Hartford; P. W. Davis, WNBC, Hartford; Walter Haase, WDRC, Hartford; C. T. DeLaney, WTHT, Hartford; T. Hillway, Hillyer Junior College, Hartford; Alan S. Wilson, Hillyer Junior College, Hartford; H. M. Turner, Yale University, New Haven; Claude W. Fawcett, Yale University, New Haven; Forrest R. Hughes, Yale University, New Haven; Richard P. Saunders, New London Junior College, New London; John C. Moore, Jr., WNLC, New London; E. J. Frey, WBRY, Waterbury; George Keich, WICC, Bridgeport.

Teach Signal Corps Radio

Ten members of WCAU's engineering and technical staff are now serving as part-time instructors for the Signal Corps courses being conducted by Drexel Institute of Technology with the cooperation of the Army Signal Corps.

CRITICAL OCCUPATIONS

The Chairman of the Board of War Communications has transmitted to the War Manpower Commission lists of critical occupations and definitions of such positions in the standard and the international broadcasting industries and the radio communications and wire telephone industries, it was announced Monday.

This material was prepared by various technical committees of the Board of War Communications at the request of the War Manpower Commission. The committees are composed of representatives of government, labor, and industry. They are furnished to the War Manpower Commission for that agency's consideration and appropriate action in connection with the establishment of a standard list of critical occupations. It is presumed that these lists, as officially approved by WMC, will be used by draft boards in considering Selective Service policies in drafting key personnel from the communications industry.

ENLISTMENTS

Selective Service Headquarters has advised the NAB that the Army will not now receive any registrant for enlistment or commission unless his Local Board has released him, and that the Navy will not receive registrants in Class II-A, II-B or III-B unless released by the Local Board.

PAY FREEZING

Radio remains virtually untouched by the President's pay-freezing order of October 3, since salaries under \$5,000 apparently are exempt (see NAB REPORTS, p. 589).

There are two schools of thought among government officials as to why the order left this loop hole: (1) that it was just an error and would be corrected, and (2) that it was felt "white collar" workers had not yet gotten increases in proportion to those obtained by the factory workers, and that the white collar workers should get "theirs" before their salaries were frozen.

Meantime, the War Labor Board has exempt from the order employers of not more than eight employees.

The Board also issued an order stating that employers could make individual wage adjustments as a result of:

- a. Individual promotions or reclassifications
- b. Individual merit increases within established rate ranges
- c. Operation of an established plan of wage increases based upon length of service
- d. Increased productivity under piece-work or incentive plans
- e. Operation of an apprentice or trainee system.

These two orders are of no importance to radio unless and until the exemption on salaries under \$5,000 is removed.

Programs for Victory

PORTSMOUTH TO PORTSMOUTH

Expressions of greeting crackled across the Atlantic on October 8 when Portsmouth, New Hampshire, saluted her namesake, Portsmouth, Hampshire, England.

The broadcast originated in the studios of Portsmouth's WHEB, and was short-waved overseas through WRUL, Boston.

Participating in the broadcast beamed to Britain were Portsmouth Mayor Stewart E. Rowe; Commander Charles M. Elder, USN (Ret), senior aide to the Commandant of the Portsmouth Navy Yard; Justin D. Hartford, publisher of the local newspaper; and Frank Patterson, president of the Rotary Club.

Prior to Mayor Rowe's opening remarks was a recorded message from Harold Butler, British Minister to the United States.

Highlight of the 15 minute program were these inspiring words, voiced by Commander Elder: "We at the Portsmouth Navy Yard are working harder, harder than ever before, to give our common arms the striking power that will carry death to the Axis—a death which even now they realize awaits."

RAZORBACK GAMES OVER KFPW

KFPW, Fort Smith, Ark., is bankrolling the University of Arkansas football games this season with war bonds getting the free commercials.

The home of the Razorbacks is Fayetteville which necessitates line charges. But Manager Pat Garner says the station is happy to assume them for such a worthy cause, "though it is a whale of expenditure for a 250 watter."

PROF. ABBOT HAS BIBLIOGRAPHY

A bibliography of "Radio Wartime Propaganda" has just been compiled by Professor Waldo Abbot of the University of Michigan, Ann Arbor. It was prepared as, "Suggested reading—speech 157, Wartime Radio Programs," which apparently is concerned with "Radio as a psychological weapon, goodwill builder, and public relations medium."

Sections are devoted to books, pamphlets and magazine articles.

OK IN SAN DIEGO AND TULSA

From Leah McMahan, program director, KFSD, San Diego, and Allan Page, assistant program director, KVOO, Tulsa, comes word of a successful Fire Prevention Week.

Midwesterners riding B&O's radio equipped Capital Limited reported plenty of announcements over stations between Chicago and Washington.

WROK AND PAPERS IN DRIVE

The Rockford Register-Republic and Morning Star called on WROK to help in the promotion of the scrap salvage drive in northern Illinois.

In cooperation with the newspapers' campaign, WROK is scheduling spot announcements, special on-the-spot programs in connection with the drive, and daily salvage talks by John Rust, city editor of the Register-Republic, on the "Home Front" program. The station's civilian defense bulletins on three daily newscasts also are being turned over to the salvage round-up.

Sales

Radio Showbook Contains Directory of Programs

As part of the September and October issues of "Radio Showmanship" magazine—and now to be issued as a separate booklet—the editor of this monthly publication for radio station distribution has released a 36-page directory of syndicated, transcribed script and live talent shows. Designed for the salesman who wants a pocket-size collection of program ideas, for the program director seeking tested shows for his market, and for the advertiser who wants to survey the field of syndicated programs, "Radio Showbook" lists 380 different syndicated programs.

Indexed and cross indexed, "Radio Showbook" contains a listing by producers, in which a complete synopsis of each program is given. These same titles are also broken up into five other categories.

In the break-down by subject matter are adventure series, Christmas features, comedy strips, detective stories, domestic serials, dramatic features, fiction adaptations, historical features, music, news features, patriotic features, quiz programs, religious features, sports, etc.

In the break-down by time units, all one minute, five minute, fifteen, thirty and 60 minute shows are grouped together according to length. Shows are also broken down by audience appeal, segregating those designed especially for juvenile, feminine and masculine ears. Syndicated programs especially adapted to specific businesses also rate a separate listing, and range from aviation to used cars. The alphabetical listing gives by title all shows incorporated into the directory.

The "Radio Showbook" is published by "Radio Showmanship" magazine, 1004 Marquette, Minneapolis, Minn.

Department Store Buys Football Broadcasts

The W. W. Scales Department Store of Starksville, Miss., has bought the choice games of the Mississippi State and "Ole Miss" football schedule for 1942 for broadcasting over WCBI, Columbus, Miss.

PER-INQUIRY OFFERS

The Roycraft Company of Minneapolis, Minn., is reported to be making a per-inquiry offer in an effort to sell a new product called "Rubber Life," which is painted on tires, allegedly to make them last longer. Not only is such business unethical, but government agencies and the rubber industry have repeatedly warned that no efficacious product of this type is now known.

The Williams S L K Laboratories of Milwaukee, Wis., manufacturers of several proprietary remedies, has been reported to be offering advertising of these products on a per-inquiry basis.

Several member stations have forwarded copies of the form letter and sample continuities being sent out by Van De Mark Advertising, Inc., urging the sale of the "Foto-Color" unit of the L & M Manufacturing Co., on a per-inquiry basis. The NAB Department of Broadcast Advertising has again written this agency protesting against the offer of this business on a per-inquiry basis.

DISTRICT 15 SPECIAL MEETING

A special meeting of the 15th NAB District was held at San Francisco on October 8. District Director Arthur Westlund, KRE, reported on the September 24-25 meeting of the Board of Directors and a general discussion was held regarding the inroads of Selective Service on key radio personnel of the 15th District. The matter of employment of 15th District radio personnel by the OWI was also discussed.

It was decided that election of the Director for the term beginning in 1943 should be held at the regular forthcoming District meeting scheduled for November 16-17 in San Francisco, and a nominating committee was appointed to report to that meeting.

A general discussion regarding industry unity and NAB personnel was had and the District Director was given instructions.

The following were present:

C. L. McCarthy, KQW; Joe W. Elwood, KPO-NBC; Lindsey Spight, John Blair & Co.; Leo O. Ricketts, KFBK; Ad Friel, KLX; John Brunton, KQW; Ed Franklin, KJBS; Wilt Gunzendorfer, KSRO; Charles E. Marin, CBS; Wilfred L. Davis, KYA; S. B. Brunton, KJBS; Clyde F. Coombs, KARM; Bernard E. Cooney, KDON; Howard Walters, KDON; Bil Ryan, KGO; Ralph R. Brunton, KQW; and Art Westlund, KRE.

"MONOPOLY" SUIT ARGUED

No decision has as yet been handed down in the CBS-NBC case against the Government seeking an injunction against the operation of the Network Regulations, which were argued Tuesday in New York before the statutory three-judge Federal Court.

FEDERAL COMMUNICATIONS COMMISSION

FCC APPOINTMENT

Rosel H. Hyde has been appointed Assistant General Counsel of the FCC Legal Department, Broadcast Division. He fills the vacancy created by the resignation of Lucien Hilmer.

Hyde was born in Idaho in 1900 and was educated in the public schools of that state. He attended the Utah Agricultural College and the George Washington University Law School of this city. He is married and has three children. Hyde was a member of the legal staff of the Federal Radio Commission from July, 1928 to 1934 and has been on the staff of the FCC from that time on.

919 STATIONS

During the month of September, 1942, the Federal Communications Commission granted no permits for the

construction of new stations. Operating licenses were issued to three stations, and one station was deleted. A comparative table by month follows:

	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1
Operating	869	877	882	887	891	893	897	899	906	906	905	905	907
Construction	44	38	37	36	32	31	27	25	18	19	16	15	12
	913	915	919	923	923	924	924	924	924	925	921	920	919

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, Oct. 19. They are subject to change.

Monday, October 19

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of license, **700 kc.** 50 KW day, 500 KW night, unlimited, using W8XO's trans.

Wednesday, October 21

NEW—Blue Network Company, Inc., Hollywood, California.—C. P., **31220, 35620, 37020, 39260 kes.**, Em-A3, 25w, Sec. 4.24.

Thursday, October 22

Further Hearing

NEW—Beauford H. Jester, Individually and as Trustee for W. W. Callan, Dewitt T. Hicks, Hilton W. Howell, Wilford W. Naman, Robert C. Levy, Ross M. Sams & Davis Stribling, Waco, Texas.—C. P., **1230 kc.**, 250 watts, unlimited.

K61LA—Metro-Goldwyn-Mayer Studios, Inc., Los Angeles, California.—Modification of C. P., **46,100 kes.**, 7,000 square miles, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted extension of special service authorization to operate on **560 kilocycles** with a daytime power of 1 kilowatt and nighttime power of 500 watts, until April 25, 1943 (B5-SSA-49).

WLAY—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted construction permit (B3-P-3508) to install new transmitter replacing the licensed transmitter which allegedly caught fire and was damaged beyond repair. (This action was taken in view of the condition of the licensed equipment and in consideration of the amount of operating time that has been lost due to transmitter failure.)

DESIGNATED FOR HEARING

David Ashton Brown, Marion, Ohio.—Designated for hearing application for construction permit (B2-PARE-3) for a new Class II experimental (public address relay) station, using **310,000 kilocycles**, power of 1.35 watts, A3 emission.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Designated for hearing application for modification of license (B1-ML-1133) to change frequency from **1400 kilocycles** to **680 kilocycles**.

LICENSE RENEWALS

Granted renewal of following station licenses for the period ending in no event later than February 1, 1943:

KBTM, Jonesboro, Ark.; KODL, The Dalles, Ore.; KSUN, Lowell, Ariz.

Granted renewal of following station licenses for the period ending in no event later than April 1, 1943:

KDLR, Devils Lake, N. Dak.; WSOC, Charlotte, N. C.

Granted renewal of following station licenses for the period ending in no event later than December 1, 1944:

WTJS, Jackson, Tenn.; WTSP, St. Petersburg, Fla.; KBWD, Brownwood, Tex.

KHUB—John P. Scripps, Watsonville, Calif.—Granted renewal of license for the period ending in no event later than June 1, 1943.

MISCELLANEOUS

KRLD—KRLD Radio Corp., Dallas, Texas.—Granted license (B3-L-1701) to cover construction permit (B3-P-3484) which authorized changes in directional antenna system. Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-1429).

KGER—Consolidated Broadcasting Corp. Ltd., Long Beach, Cal.—Granted modification (B5-MP-1644) of construction permit (B5-P-3096), for extension of completion date to November 12, 1942.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted modification (B3-MP-1645) of construction permit (B3-P-2944), for extension of completion date to 12-15-42.

WALB—Herald Publishing Co., Albany, Ga.—On the Commission's own motion, ordered that the issues heretofore released on the application for construction permit for change in frequency from **1590 to 1550 kilocycles** and authority to make changes in the directional antenna, be supplemented by the following issue: "To determine whether the granting of this application would be consistent with the provisions of the North American Regional Broadcasting Agreement (Appendix I, Table III)." The present hearing date, November 9, 1942, is retained (Docket No. 6399).

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted modification of construction permit, as modified, which authorized change in frequency, increase in power, installation of directional antenna for day and night use, and move of transmitter, for extension of completion date from October 6 to November 6, 1942 (B3-MP-1651).

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted license (B3-L-1713) to cover construction permit (B3-P-2938) for change in frequency to **590 kilocycles**, increase in power to 5 kilowatts, installation of new transmitter and directional antenna for night use, and move transmitter. Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-1447).

WCOL—WCOL, Inc., Columbus, Ohio.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1445).

KBTB—Red River Broadcasting Co. Inc., Duluth, Minn.—Granted construction permit (B4-PRY-289) to move transmitter of relay station from 16th St. and St. Louis Ave., to Frong St. and 63rd Ave. West, Duluth.

WDAB—Charleston Broadcasting Co., Portable-Mobile, Area of Charleston, W. Va.—Granted modification (B2-MPRY-32) of construction permit (B2-PRY-270) for new relay station, for extension of commencement and completion dates to 10-19-42 and 4-19-43 respectively.

The Associated Broadcasters, Inc., Portable-Mobile, area of San Francisco, Calif.—Granted license (B5-IRY-267) for new special relay broadcast station using already licensed equipment (of station KBSF); frequencies **1622, 2058, 2150, 2790 kc.**, 50 watts, to be operated as a special relay broadcast station with applicant's international broadcast station KWID.

R. O. Hardin and J. C. Buchanan, d/b as Nashville Broadcasting Co., Tennessee Radio Corp. (both of Nashville, Tenn.)—Adopted an order denying petitions of R. O. Hardin and J. C. Buchanan, d/b as Nashville Broadcasting Co. and Tennessee Radio Corp., requesting that their applications for construction permits for new stations be granted. The Commission further ordered that the applications be designated for further hearing upon the following issues: "1. To

determine whether the granting of either of the above-entitled applications would be in conformity with the Commission's policy announced by its Memorandum Opinion of April 27, 1942; (2) To determine whether, in view of the foregoing, the granting of either of said applications would serve public interest, convenience, or necessity" (Dockets 6191 and 6193).

APPLICATIONS FILED AT FCC

590 Kilocycles

WOW—Woodmen of the World Life Insurance Society, Omaha, Nebraska.—Voluntary assignment of license from Woodmen of the World Life Insurance Society to Radio Station WOW, Inc.

610 Kilocycles

WDAF—The Kansas City Star Co., Kansas City, Mo.—Authority to determine operating power by direct measurement of antenna power.

920 Kilocycles

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Modification of construction permit (B2-P-2913 as modified) which authorized changes in directional antenna system and increase in power for extension of completion date from 10-31-42 to 2-3-43.

1270 Kilocycles

WPDQ—Jacksonville Broadcasting Corp., Jacksonville, Fla.—License to cover construction permit (B3-P-3385 as modified) which authorized construction of new standard broadcast station.

WPDQ—Jacksonville Broadcasting Corp., Jacksonville, Fla.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATION

Capitol Broadcasting Co., Inc., Schenectady, New York.—License to cover construction permit (B1-PH-23 as modified) which authorized construction of new high frequency broadcast station amended to cover construction permit in part in accordance with Commission Action of 8-4-42.

MISCELLANEOUS APPLICATIONS

WNYE—Board of Education, City of New York, Brooklyn, New York.—Modification of construction permit (B1-PED-18 as modified) which authorized changes in equipment, frequency, power, and emission for extension of completion date from 10-20-42 to 12-1-42.

W2XEO—Capitol Broadcasting Co., Inc., Schenectady, New York.—License to cover construction permit (B1-PST-12) which requests reinstatement of construction permit (B1-PST-1) which authorized construction of new ST Broadcast Station, in part.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Jack Silverman and Associates, General Forwarding System, and Commercial Pen Co., 821 Market St., San Francisco, selling and distributing post cards intended to be used by creditors and collection agencies in obtaining information concerning debtors, are charged in a complaint with misrepresentation and unfair and deceptive acts and practices in commerce. (4846)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Chicago Technical College, 2000 South Michigan Blvd., Chicago, has been ordered to cease and desist from certain misrepresentations in connection with the sale of correspondence courses of instruction in drafting, building, and air-conditioning and refrigeration. (4089)

E. B. Moles—An order to cease and desist from misrepresenting the merits and qualities of a mechanical device designated "Gas-Miser," for use on automobile engines, has been issued against E. B. Moles, Sioux City, Iowa. Moles, who formerly conducted his business under the name of Malone & Moles, is no longer engaged in selling the device. (4557)

Zenith Radio Corporation—An order has been issued directing Zenith Radio Corp., 6001 West Dickens St., Chicago, to cease and desist from misrepresenting the qualities and characteristics of radio receiving sets it manufactures and sells.

Findings of the Commission are that the respondent has falsely represented in advertisements and radio broadcasts that its receiving sets are capable of bringing in programs broadcast from radio stations located in Europe, South America, and the Orient, every day, and that such programs will be reasonably audible and distinct at all times and under all conditions. Representations made by the respondent as to the number of tubes in its sets also were misleading, the Commission found.

Under the order, the respondent company is directed to cease and desist from representing that any of its sets will bring in broadcasts from any foreign station "every day," or are capable of providing reasonably audible and distinct reception of foreign broadcasts at all times or under all conditions; and from representing that any set contains a designated number of tubes or is of a designated tube capacity, when one or more of the tubes referred to are tubes or other devices which do not perform the recognized and customary functions of tubes in the detection, amplification, and reception of radio signals.

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Brooklyn Overall Co., 181-191 Belmont Ave., Brooklyn, engaged, among other things, in the manufacture and sale of painters' drop cloths, have stipulated to desist from use of the words "ten ounces" as descriptive of the average weight per square yard of such cloths and from use of any words conveying the belief that the material of which the cloths are made is of an average weight per square yard other than what is actually the fact. (3543)

Delano Co., Inc., and F. H. Delano, 558 East Genesee St., Syracuse, N. Y., engaged in selling a medicinal preparation designated "Delano's," have stipulated to cease and desist from representing that the preparation is a remedy or cure for rheumatism and is a tonic or alternative. (03060)

Estabrook & Eaton Co., 256 Washington St., Boston, engaged in selling "Leighton" cigarettes, has stipulated to cease representing directly or by implication that Leighton cigarettes are the only ones containing nature-ripe tobacco or that they do not irritate the throat or do not affect the nerves. (03062)

National Galleries of New York, Inc., and Randolph Fajen, also trading as Continental News-Photo Service and as Pach Studios, 45 West 57th Street, New York, engaged in the sale and distribution of photographs, have stipulated to cease and desist from use of the word "News" or any word or term of similar import in the trade name "Continental News-Photo Service" or, as part of any other trade or corporate name to designate or describe a business which principally is that of selling photographic prints to persons photographed; representing or implying in any manner to any prospective customer that they or their sales representatives or agents are news or press photographers; or representing that any photograph solicited by them is for press or publicity purpose unless such photograph is for news or press use. (3541)

Nu-Art Films, Inc., 145 West 45th St., New York, engaged in the leasing, selling and distribution of 16 millimeter motion picture films, has stipulated to cease and desist from use of the words "In His Steps" as a designation or title of a motion picture film which is not, in fact, an adequate adaptation or film version of the book entitled "In His Steps," written by Charles M. Sheldon, and from use of any other words tending to convey the belief that the film is an adaptation or film version of the book. (No. 3542)

Pach Brothers, a corporation, and Alfred Pach, its president and treasurer, also trading as Pach Studios, engaged in the sale and distribution of photographs, including miniatures designated "goldtone miniatures," have stipulated to cease and desist from representing that any miniature or photograph which has not been prepared for or displayed in an exhibition, has been prepared for exhibition purposes or displayed in an exhibition; representing that miniatures or photographs produced for, or ordered by, customers or prospective customers are made from negatives found to be "admirably adapted" to "goldtone miniatures" for exhibition purposes or are made from negatives especially selected by reason of their outstanding merit or quality; representing that their miniatures have ever sold for \$75 or any amount in excess of that for which they have actually been sold; representing as the customary or regular price of such miniatures, any price which is in excess of the price at which they have been customarily sold by them in their usual course of business and from representing that the price at which the miniatures are offered constitutes a reduced or special price, when in fact such price is the usual or customary price at which they are sold by them in their normal and usual course of business. (3540)

Taylor Drug & Seed Co., and Taylor Drug Co., Bessemer, Ala., engaged in selling a medicinal preparation designated "Taylor's Kolnox Compound," have stipulated to cease representing that the product will aid the system to maintain proper alkaline balance; that it is a cold remedy and will prevent, fight, control or rid one of colds; that it will clear the system of poisons; that it will relieve bad coughs, or have any value with respect thereto in excess of its ability to exert a slight cooling effect on the throat; that it will relieve or ease congestion; or by use of the expression "Kolnox" as part of the brand name of the preparation, or by any other words, that the preparation will cure colds. (03061)

SUPREME COURT RULES ON FTC CASE

The U. S. Supreme Court has denied the petition of Joseph Piuma for certiorari in which he sought a review of a decision of the Circuit Court of Appeals for the Ninth Circuit (San Francisco) which confirmed civil penalties of \$3,250 imposed on him for violations of an order of the Federal Trade Commission.

In 1937 the Commission ordered Piuma, a manufacturing pharmacist of Los Angeles, to cease and desist from false representations of the therapeutic value of a medicinal preparation, "Glendage," sold as a gland tonic. Violations of the Commission order in 13 advertisements were noted and brought before the District Court for the Southern District of California, which imposed penalties of \$250 for each violation. The ruling was appealed to the Circuit Court of Appeals for the Ninth Circuit which unanimously affirmed the judgment of the lower court. From this decision the respondent sought certiorari to the U. S. Supreme Court.

War Manpower Policy

Acting on the recommendation of the Women's Advisory Committee, Chairman Paul V. McNutt of the War Manpower Commission has issued a statement of policy calling for intensified recruitment and training of women workers on a voluntary basis in all phases of war production and essential civilian activities.

The increase in our armed forces and the expansion of the war production program necessitates the maximum utilization of our labor resources. The present number of gainfully employed workers, both men and women, is inadequate to fill even the immediate requirements of the war production program. These considerations require that substantially increased numbers of women be employed in gainful occupations in war production and essential civilian employment, especially in areas of labor scarcity. The recruitment and training of women workers must be greatly expanded and intensified. The active cooperation of Government agencies, educational institutions, management, labor, and women able to accept employment is essential.

The policy, which lays down basic national standards for the induction of women into the labor market, was approved by the Commission and also by its National Management-Labor Policy Committee.

Salient points in the policy are that management and labor organizations should remove all barriers against the employment of women in any occupations for which they are or can be fitted, and that women be admitted on a basis of equality with men to all forms of training. Due regard is to be given however, to the individual's qualifications for work, the physical requirements of occupations, and to working conditions.

Employers are asked to analyze all jobs in their plants, at once, to determine which can be filled by women and to prepare for employing the largest possible number.

Take An Inventory Now

By Major General Lewis B. Hershey, U. S. A., Director of Selective Service

Manpower is a most important strategic material of today. Every employer should make a prompt inventory, appraisal and analysis of the manpower in his own plant as he would inventory his stock pile. In order to keep production going and at the same time furnish men for the armed forces, industry should now establish an orderly replacement program.

In order to secure temporary deferments for essential men while he is training women, young men, older men,

men physically handicapped or those with a high degree of dependency, the employer should know the fundamental principles in the operation of his local Selective Service Board. Certain steps should now be taken by each employer. He should know how many men on his pay roll are between the ages of 20 and 45. He should investigate the classification of every one of those men. On the basis of such an inventory he should prepare to plan ahead and train men for replacement of those who must necessarily enter the armed forces if we are to have the sort of army which can win the war.

Deferments Temporary

Deferments granted so that employers may train women or men not liable to early induction, are temporary deferments; they cannot exceed six months and in many cases may be for only thirty, sixty or ninety days. The Army today has to train a bomber pilot within a period of eight months to operate a very technical machine with an instrument board which puzzles an expert. Why, therefore, should industry insist that it assume that it can take two or three years to train men for industrial tasks not nearly so complicated?

The fundamental purpose of every deferment of a registrant is to allow an employer to train a replacement. Only in a few rare instances can an employer expect to have these temporary deferments continued for more than the six months period. These are only in cases where an abnormally long period of training is required for a replacement and the eight months needed in which a bomber pilot can be turned out now, is something to remember in this connection.

Employer's Responsibility

Employers may seek the deferment of their necessary men with or without their consent.

Here is how they go about it.

On page 3 of the Selective Service Questionnaire (Form 40) which is sent to each registrant before he is classified is the following:

Instructions.—If your employer believes that you are a necessary man in a necessary occupation, it is his duty to fill out Form 42A requesting your deferment. You may also attach to this page any further statement by yourself which you think the local board should consider in determining your classification. Such statement will then become a part of the questionnaire.

This is on all the questionnaires distributed during the past six months. The fact that the Selective Service System now specifically mentions the filing of Form 42A as the manufacturers' duty is a clear indication of the Selective Service System view on the responsibility of each employer in this matter.

The employer can secure Form 42A at the local board and the local board will consider the employer's request when the form is properly filled out and signed.

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Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

TAKE AN INVENTORY NOW

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If such request should be denied because the man, after consideration of the claims offered for him, is not considered to be indispensable to the company's operation, and is needed more in the armed services, the local board will advise the employer of its refusal of such an occupational deferment.

The local board does this by sending to the employer, at the same time it notifies the registrant of his classification, a Form 59.

May Make Appeal

There are ten days after Form 59 is mailed by the local board to the employer during which the employer can appeal the registrant's case.

The registrant will not be ordered to report for induction during this ten-day period.

In order to take an appeal the employer simply has to sign his name to Form 59 which he has received, and return it to the local board; or in case the Form 59 is not received from the local board, any written request will have full value to make such an appeal effective.

When Form 59 is returned by the employer the appeal procedure becomes automatic.

All necessary forms are available at the local board in the employer's immediate vicinity or at the office of the State Director of Selective Service.

If the local board and the appeal board deny the appeal for the occupational deferment of a key man, the employer may then bring the matter to the attention of the State Director at the State Selective Service Headquarters, with the request that the case be reopened or appealed by him to the President.

Definite Duty

A double duty rests upon the employer. He should personally know what his manpower situation is. He should not leave the job to a minor employee to decide who is necessary. The employer who delegates the task of filing a request for deferment to a clerk, the executive who does not make a complete inventory of his whole plant today, is negligent. Likewise, the employer who files requests for deferment of men who can be replaced by women, or others, is keeping reinforcements out of an Army which is battling for us all. The employer engaged in essential war production who has been required to greatly expand his plant and who then fails to request deferment for his key men is also negligent.

A good rule to follow: Don't ask deferments for any men who can be replaced by training another individual not likely to be eligible soon for service in the armed forces.

Make an inventory, request deferment for any man whose immediate going into the armed services would retard production of vital war material or other services

essential to the war effort, or who is needed to maintain national health, safety and interest.

Only when an employee is working in a critical occupation within an essential industry should a Form 42A be filed for his temporary occupational deferment.

Make Replacements

Yes, an inventory within a man's own plant is called for; also an appraisal and analysis of the manpower in the community. There is many a man over 45, or a man physically handicapped, or a woman who can do that job that the 23-year-old boy is doing who took a 12-weeks course at a learn-quick school.

There are not more than sixty million people in this country who are capable of effective productive effort. These men and women represent our total manpower available to win the war. They must do everything that must be done in a total war; maintain transportation, communications and utility systems, maintain public services, grow food for ourselves and our allies, mine the metals and produce the raw materials, fabricate and produce the amount of consumers goods necessary to maintain even a restricted national life and the supplies, weapons and munitions of war; also most of all they must provide the men who land on strange shores in far places, the men who carry the fight to the enemy on a multitude of far-flung frontiers. The rest of the population who mine raw materials and produce weapons with which these men fight must be a self-disciplined team working in unity. The individual personal convenience, comfort or pleasure, or the convenience and ordinary leisurely replacement programs of the employer, will have to be given progressively less consideration as the war gets tougher and the casualty lists grow.

When we hear of the big armies we are going to raise, we must all remember that it takes at least five men or women to produce what they eat, use, fight with, and wear. With less than sixty million available in this country, those figures are worth deep consideration.

SELECTIVE SERVICE SUPPLEMENT

Supplement No. 1 to the NAB Selective Service Handbook, together with facsimile letters from eight Government war agencies attesting to the importance of radio broadcasting to the war effort, were mailed to all stations yesterday. Additional copies of the letters for filing with Form 42-A with Local Boards when seeking occupational deferment of "key" men are available upon request.

Other Supplements will be forthcoming as time goes on. The pages are numbered to follow on after the last page of the Handbook, and are punched. If the Handbook is filed in a ring binder, it is suggested that the staples be removed and that the cover be slit at the crease, also the pages; this permits of expansion between the covers to give space for the supplements.

SALARY FREEZING

The FCC is sending out this week that section of its 1942 financial questionnaire dealing with employment and payrolls for the week of October 11.

The NAB urges all its members to return the questionnaire *with all possible speed*, so that the information can be compiled and be in use at the earliest possible date.

Wage figures will be of especial importance this winter for use in connection with adjustments under the President's Executive Order of October 3.

Judge Byrnes, wage stabilization chief, announced to the press on October 18 that salaries below \$5,000, as

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NAB AND RMA TO COOPERATE In Maintaining Operation of Nation's Radio Sets

IN SPITE of enlistments, draft and other influences which have taken a toll of radio servicemen, the servicing of the nation's radio sets will go on in spite of "war and pestilence".

Every broadcaster is vitally concerned with the maintenance of radio sets in the millions of homes. Regardless of how effectively we program our stations, all efforts are fruitless unless sets are in working order for listening. The matter of servicing sets, therefore, becomes of vital and immediate concern to every broadcaster, every radio family, the Army, Navy, Marine Corps, Coast Guard, Treasury, Agriculture, other agencies, as well as to industry.

That was the unanimous decision of the Radio Manufacturers Association which acted this week to implement a plan of action. While RMA President Paul Galvin and M. J. Schinke, chairmen of the RMA Service Committee, are searching for the man to organize the work within the trade there are several necessary things for broadcasters to do immediately.

What to Broadcast Now

The No. 1 Right Now Job is for broadcasters to help increase the production of individual servicemen by saving their time. This is done by telling listeners to bring in their sets. Listeners will do this willingly when somebody else besides the servicemen explain the reasons. (We're not discussing big console sets at this time.)

FOR THE PRESENT all stations are asked to broadcast one (1) announcement a day, samples by mail next week, or a short discussion of the subject woven into a women's program, commentator's, news, or other programs. Change time and audience by rotation. By holding fairly close to the information in the announcements, we will be assisting the RMA's complex job even before it is set up to carry out organization matters. The job is difficult but it can and *WILL* be done by the efforts of a combined industry.

Do not increase the amount of help now requested. The job should be done by infiltration, a sustained campaign, not an intensive drive . . . one schedule a day on 900 stations is the suggestion for now.

Tell This to the Local Radio Trade

1. Tell them in a letter, radio servicemen, parts and set jobbers that WPB will arrange for parts and materials for repair and maintenance of receiving sets. An industry committee has completed the standardization of component parts and materials. This is on the authority of Frank McIntosh, Chief, Civilian Radio Section, Radio and Radar Branch, WPB.

This is important because many servicemen are quitting because they believe mistakenly that parts will not be available. This assurance should keep men in the business.

2. Tell them that radio servicemen are eligible for consideration for occupational deferment because radio repairmen are included in the list of essential occupations issued by Selective Service in Occupational Bulletin No. 27. (See Supplement No. 1, NAB Selective Service Handbook (now in your hands), dated October 23, 1942 and now in the mail.)

If the local radio trade is interested it might be wise to call a meeting on this subject of deferment because RMA is in no position to do so until it gets organized. The key radio jobbers in your city would undoubtedly do

it when you explain the facts. It is always necessary to make out a case for the local draft board and the Supplement and the Handbook would guide the local radio men. They probably do not have access to such information. Your Handbook and Supplement will help them.

3. Impress on servicemen that they are vitally needed and are performing an important duty, essential to the war effort, by maintaining the nation's home receivers. Do not encourage the employment of radio receiver technicians as broadcast operators. It is easier to make an operator than it is a serviceman.

Keep the meeting on the beam so that broadcasters do nothing to interfere with plans which RMA will evolve to be carried out through cooperative industry effort. Broadcasters will have plenty of time to do other things in addition to those suggested today—when the time is ripe.

For additional support of radio servicemen in building a case for their local draft board a quotation by William B. Lewis, Chief, Radio Bureau, Office of War Information, who voices the government viewpoint, should be helpful. This is it:

"The maintenance of radio as an essential industry, so classified by the Manpower Commission, is of utmost importance to the prosecution of the war."

Then there is support for the servicemen's position in the statement of Elmer Davis, Office of War Information Director, who stated at a Senate Hearing:

"This office has a direct and vital concern with the maintenance of the radio coverage of this country. It is one of the most important media for the conveyance of war information in general to the people, and may become of still greater importance when there is occasion for an emergency message from the national leadership."

RMA Takes Official Action

Employment of a full-time man to handle a wartime emergency plan for the servicing of home radio sets was authorized by the board of directors of the Radio Manufacturers Association, in New York City, on October 21. The board directed President Paul Galvin, Chicago, and M. J. Schinke, Chicago, chairman, RMA service committee, to proceed immediately with the selection of an outstanding man for the post.

This work will be carried on in close cooperation with NAB.

It was the opinion of the manufacturers that if the job was to be done it had to be done right. In their opinion this called for handling through organization of manufacturing, servicing and selling personnel. With that as a premise the board voted the finances necessary to get the program under way.

What broadcasters can do now to further this work of servicing sets is outlined elsewhere in this issue of the "REPORTS".

SALARY FREEZING

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well as those above, would be "stabilized." Control of salaries below \$3,000 and those between \$3,000 and \$5,000 covered by collective agreements would be in the hands of the War Labor Board, while those above \$3,000 not covered by union contract would be controlled by the Treasury.

When Judge Byrnes' statement is effectuated by an order, all radio salaries will be covered. The President's Executive Order of October 3 covered only hourly wage rates and salaries above \$5,000.

Any broadcaster proposing to increase or decrease wages in this period should consult the NAB.

Third District Meeting

The meeting of the Third District broadcasters, the first of a series to be held in all 17 districts this fall, took place on Monday and Tuesday, October 19-20. District Director Isaac D. Levy, WCAU, called the meeting to order with some 70 broadcasters on hand.

NAB President Neville Miller gave a brief discussion of the war activities of the Association which was followed by an outline of the newly devised coordinating plan of the Office of War Information. This was presented by Douglas Meservey, assistant to William B. Lewis, Chief of the Radio Bureau of OWI, and by Carl Haverlin, Headquarters Consultant on Industry Relations for OWI.

Lt. Leon Levy, OWI coordinator for the Third District, also participated in the outline of the plan. It contemplates 12 war effort announcements a day for network affiliated stations and 16 for non-network stations, all to be one minute in length. Broadcasters are asked to enlist the cooperation of local advertisers in these campaigns. The announcements will originate from the central OWI office and the regional offices in the various areas. It was announced that the two transcribed programs now being used will be continued, namely, "Star Parade" and "This is the Enemy."

Stations are asked to set aside a strip, Monday through Friday, on which all government programs may be consolidated. Where live programs are originated by stations they are asked to contact regional OWI offices in order that fullest possible information may be available on what is being done in connection with war radio programs.

Louis B. F. Rayercroft, regional director for Pennsylvania of the War Manpower Commission, spoke upon the work which is being done to make the greatest possible use of manpower. He stated they are cooperating very closely with the Selective Service and the Army and Navy to prevent the drafting or recruiting of men essential to the conduct of necessary civilian war activities.

Gene Carr, assistant to J. Harold Ryan, Radio Censor, outlined the philosophy of the Office of Censorship. He carefully reviewed the code and pointed out wherein broadcasters might avoid innocent violations.

Frank McIntosh, Head of the Radio Branch of the War Production Board, spoke upon the efforts being made to provide replacement parts for broadcast station transmitters and also upon the problem involved in servicing radio receiving sets. He stated that the War Production Board had made provision for replacement parts for receiving sets but the serious problem was lack of manpower to repair sets even though parts are available.

Mr. McIntosh stated that batteries are available only for standard sets and not for civilian portables nor are there spare parts for automobile radios.

Joseph L. Miller, NAB Director of Labor Relations, spoke on stabilization of wages and salaries and answered questions. He urged the stations to make fuller use of the NAB Labor Relations Department and to provide it with necessary information to enable it to function more effectively.

Sydney Kaye, NAB special counsel, presented NAB's point of view on the AFM situation. Samuel R. Rosenbaum, WFIL, criticized the Association's policy. (For full details see AFM Special Bulletin No. 12.)

Following this discussion, Clair R. McCollough, WGAL-WILM, moved that the meeting go on record as having complete confidence in the policy of NAB in the AFM controversy. This was seconded by Edward Clery of WIBG and was unanimously passed, Mr. Rosenbaum not voting.

The following were present: Leonard Kapner, WCAE; Edward D. Clery, WIBG; Stan Lee Broza, WCAU; C. G. Moss, WKBO; J. Nassau, WMRF; J. Gorman Walsh, WDEL; E. C. Anderson, WEST; Walter O. Miller, WGAL; Harold E. Miller, WORK; J. Robert Gulick, WORK; Clifford M. Chafey, WEEU; Robert G. Magee, WEEU; Raymond Gaul, WRAW; A. W. Chafey, WRAW; J. C. Tully, WJAC; George E. Joy, WRAK; Frank R. Smith, Jr., WWSW; Thomas W. Metzger, WRAK; David H. Rosenblum, WISR; Hal Seville, WJEJ; Howard Browning, Bigelow Thompson, Jack Maguire, Yale Merrill and Harry Kodinsky, Office of War Information; Lt. Com. J. Tenney, USNR; Lt. (jg) Ashley Halsey, Jr., USNR; 1st Lt. Thomas D. Richter, Jr., USA; Samuel R. Rosenbaum, WFIL; R. E. McDowell, WGBI; George D. Coleman, WGBI; Paul Harron, WIBG; William A. Schudt, CBS; Alexander W. Dannenbaum, WDAS; Joseph C. Burwell, WMBS; Harry C. Lewin, OWI; Ray Croft, War Manpower Commission; C. O. Langlois, Lang-Worth; Pierre Weis, Lang-Worth; C. C. J. Culmer, SESAC; Fred S. Boland, War Production Board; Leon Levy, WCAU; Isaac D. Levy, WCAU; Robert S. Kellogg, AMP; John Mayo, Associated Recording Program Service; M. M. Blink, and Gerald King, Standard Radio; Willis B. Parsons and John C. Treacy, NBC; Douglas Meservey, OWI; Charles E. Denny, WERC; J. Turner, NBC; R. W. Baker and Mrs. R. W. Baker, WITH; K. W. Husted and Elaine C. Ewing, OWI; Joseph L. Miller, Neville Miller and Lewis H. Avery, NAB; Victoria Corey, KDKA; Arthur Simon, WPEN; Herbert L. Pettay, OWI; James P. Begley, KYW; Harold Fellows, OWI; Eugene Carr, Office of Censorship; Edward J. Kroen, WKPA; B. A. McDonald, KYW; Elmer D. Free, Office of Civilian Defense; John E. Surrick, WFIL; Leslie Joy, KYW; Gordon Hawkins, Westinghouse; Leo J. Omelian, WLEU; R. B. Hudson, Rocky Mt. Radio Council, Denver, Colorado; Clari R. McCollough, WGAL; Roger Clipp, WFIL; Frank McIntosh, WPB; Carl Haverlin, BMI-OWI-NAB; Benedict Gimbel, WIP; Melvin Lahr, WKOK; Roy Thompson, WFBG; Henry N. Cocker, WTEL; Harry G. Templeton, WLS; Berton Adams, William Laughlin and E. Douglas Hibbs.

Programs for Victory

"SECOND FRONT" PROGRAM

Dr. Frederick A. Hodge, news commentator of WBEN, comes up with an idea which after consultation with OWI seemingly has some very good points. Dr. Hodge suggested that there be broadcast during the day, several announcements regarding the "second front" being right here at home.

OWI says that they feel this is a good idea and it would be advisable to use it somewhat as follows: "The

second front is right here in ———— (give the name of the town)" and it goes on to observe that frequent explanation of the slogan should be announced, at least at the beginning. It suggests that the slogan should be followed with a few words to explain that offensive military action today was really fought out on the home front six months ago; that what we produce in the way of tanks and guns and planes, what sacrifices are made for the fighting forces, will have a direct bearing on the outcome of military action.

In that sense the OWI says the second front is right here at home. They feel that a clear public understanding of this point if brought out by the use of these announcements will have a very beneficial effect. It is passed on for such use as individual stations care to make of it.

WAR-EFFORT PROGRAMS FOR SCHOOLS

Radio Station WFIL is now serving school children in every grade from 1 to 12, in the Philadelphia Public Schools: Two patriotic, school-participation programs are presented over WFIL each Friday, in cooperation with the Philadelphia Board of Education; one program is carried by Philadelphia's elementary schools, the other by Philadelphia's high schools.

"The Quaker City Scrappers," featuring a musical character called "Filbert the Flea," consists of a series of broadcasts boosting the scrap metal drive, directed particularly to young children. In an entertaining manner, advice and instructions on getting in the scrap are presented. A group of school children appears on each broadcast, to discuss ways and means of getting more junk. A light motif is provided by the adventures of "Filbert the Flea," represented on the air by a piano monologue, with "Scrappy," champion child scrap collector of Quaker City. This broadcast is heard by an audience of 6,800 children in Philadelphia's elementary public schools. It is presented in cooperation with the Philadelphia Board of Education.

The "High School Victory Corps" program is broadcast by WFIL, cooperating with the Philadelphia Board of Education and the committee in charge of Victory Corps in Philadelphia High Schools, who prepare the program material. This program carries latest news and instructions from Victory Corps headquarters in Washington to students in all Philadelphia Public High Schools.

VACUUM TUBE REPAIRS

The Federal Telegraph Company, Inc., of 200 Mount Pleasant Avenue, Newark, New Jersey, has just announced that they will accept for repairing certain vacuum tubes of their own manufacture. The statement issued by Federal reads as follows:

"We are vitally interested in maintaining the operation of broadcasting stations and since tube materials are becoming more difficult to obtain, we have decided, where possible, to repair transmitting tubes of our manufacture. We feel confident that these tubes cannot be expected to equal the performance and reliability of new tubes, but in the present emergency will be better than no tubes at all.

"Our repair program at this point will be operated as follows:

1. We will repair or rebuild as required:

F-124A	F-320B	F-342A	F-891A	F-898A
F-125A	F-328A	F-343A	F-891R	
F-129A&B	F-332C	F-348A	F-892A	
F-307A	F-337A	F-363A	F-892R	

2. We will determine cost of repair or rebuilding after we have had a report as to life and operating conditions and an opportunity to examine the tube at our plant.

3. Life guarantee if given will be based upon condition of the tube upon arrival at our plant.

4. The priority required will depend mainly on the requirements for new materials to effect the repair within a reasonable time.

"Since we have had no experience in this field, we feel that it is necessary to handle each tube as a separate problem until such time as we can determine average costs of repair for each tube."

For information concerning other organizations repairing vacuum tubes see page 580 of NAB REPORTS, October 2, 1942.

FEDERAL COMMUNICATIONS COMMISSION

FLY DISCUSSES COOPERATIVE BROADCAST RESOLUTIONS

James Lawrence Fly, FCC Chairman, at a press conference on Monday said he had not made a critical study of the complaint of the Cooperative League against the networks nor had he tried to make an exhaustive investigation of the possibility of legal action. "But it would be my judgment at this juncture that we do not have any authority to do anything about it," said Mr. Fly.

Mr. Fly called attention to the fact that the Commission had asked both networks for a statement of fact, and insofar as the Commission is concerned "that is where the matter stands at this time."

The chairman told the newsmen that the Board of War Communications Committees and the Board itself have completed their action insofar as a wartime basis of operation for the broadcasting industry is concerned. These recommendations, Mr. Fly said, have been forwarded to the FCC for its action. The chairman stated that an announcement of policy will be made shortly by the Commission. He estimated that the announcement would be coming along within a matter of a few days. "The matter has had a very thorough-going consideration," said Mr. Fly, "by most of the parties concerned. As you know the Domestic Broadcasting Committee and our Coordinating Committee have spent a considerable length of time on it, and the WPB staff have spent considerable time on it. I think we have got it in pretty good shape."

NORRIS RESOLUTION

The FCC has written to Mr. Niles Trammell, President of the National Broadcasting Company, and Mr. William Paley, President of the Columbia Broadcasting System, advising them that the Commission has received a letter from the New England Co-operative Federation, Boston, Massachusetts, stating that NBC and CBS have refused to sell radio time to the Cooperative League of the United States. Both organizations are requested to send the Commission a statement of the facts regarding the matter.

The Commission has also advised the New England Co-operative Federation that the request for a statement of the facts has been made and that the matter will be given appropriate consideration when the replies have been received.

The letter from the New England Co-operative Federation was submitted to the Commission by Senator Henry Cabot Lodge, Jr., to whom Chairman James Lawrence Fly replied under date of October 15, 1942:

"My dear Senator Lodge:

"This will reply to your memorandum of October 8, 1942, submitting for the consideration of the Commission

a letter dated October 6, 1942, which you received from Savele Syrjala, Education Director of the New England Co-operative Federation, in which it is stated that the Columbia Broadcasting System and the National Broadcasting Company have refused to sell radio time to the Cooperative League of the United States for a 13-week series of Sunday afternoon broadcasts.

"The Commission has addressed letters to both the National Broadcasting Company and the Columbia Broadcasting System requesting a statement of the facts regarding this matter. As soon as the replies have been received, the matter will be given appropriate consideration by the Commission."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, October 26. They are subject to change.

Monday, October 26

Further Hearing

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license, 1230 kc., 250 watts, unlimited.

Tuesday, October 27

Further Hearing

NEW—Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Penna.—C. P., 1240 kc., 250 watts, unlimited; request facilities of WBAX.

NEW—Central Broadcasting Co., Wilkes-Barre, Penna.—C. P., 1240 kc., 250 watts, unlimited; request facilities of WBAX.

NEW—Northeastern Pennsylvania Broadcasters, Inc., Wilkes-Barre, Penna.—C. P., 1240 kc., 250 watts, unlimited; request facilities of WBAX.

NEW—Key Broadcasters, Inc., Wilkes-Barre, Penna.—C. P., 1240 kc., 250 watts, unlimited; request facilities of WBAX.

Wednesday, October 28

Oral Argument Before the Commission

Report No. B-152:

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto Rico.—Renewal of license, 790 kc., 1 KW night, 2½ KW day, unlimited.

NEW—Puerto Rico Advertising Co., Inc., Arecibo, Puerto Rico.—C. P., 1200 kc., 250 watts, unlimited.

WSSJ—Puerto Rico Advertising Co., Inc., San Juan, Puerto Rico.—C. P., 1500 kc., 250 watts, unlimited.

NEW—Caribbean Broadcasting Association, Inc., San Juan, Puerto Rico.—C. P., 1500 kc., 250 watts, unlimited.

Wednesday, October 28

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—C. P., 970 kc., 5 KW, DA-night, unlimited.

Thursday, October 29

St. Louis University, St. Louis, Mo.—Modification of C. P. for extension of completion date, 45100 kc., 13,000 square miles, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KVOS—KVOS, Inc., Bellingham, Wash.—Granted modification of construction permit for extension of completion date to April 30, 1943, of construction permit to install new equipment, directional antenna, move transmitter, increase power from 250 watts to 1 KW, using directional antenna, and change frequency from 1230 kc. to 790 kc. (B5-MP-1582). Denied request for special service authorization to operate on the frequency 790 kc. (B5-SSA-25).

KPAB—Mervel M. Valentine (assignor), Howard W. Davis, J. K. Beretta and W. W. McAllister, d/b as Laredo Broadcasting Co. (assignee), Laredo, Tex.—Granted consent to assignment of license for station KPAB from Mervel M. Valentine to the Laredo Broadcasting Co., for a total consideration of \$14,450 (B3-AL-349). Dismissed application of Laredo Broadcasting Company for a construction permit for a new broadcast station requesting the facilities of KPAB (B3-P-3510).

WJZM—Roland Hughes (assignor), William Kleeman (assignee), Clarksville, Tenn.—Granted consent to assignment of license for station WJZM from Roland Hughes to William Kleeman, for a total consideration of \$25,250 (B3-AL-353).

WMSL—Clarence H. Calhoun, Jr. (transferor), Mutual Savings Life Insurance Company (transferee), The Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Granted consent to acquisition of control of The Tennessee Valley Broadcasting Co., Inc., Station WMSL, by Mutual Savings Life Insurance Co. through purchase of 60 shares common stock from Clarence H. Calhoun, Jr., for a total consideration of \$4,000 (B3-TC-293).

DESIGNATED FOR HEARING

WEBR—WEBR, Inc., Buffalo, N. Y.—Designated for hearing application for construction permit for a booster station at North Tonawanda, N. Y., nighttime operation only, maximum power 100 watts (B1-P-3504).

WLAN—Thomas J. Watson, Endicott, N. Y.—Designated for hearing application for modification of construction permit which authorized a new standard broadcast station, for approval of transmitter site, operation without synchronous amplifier and installation of new transmitter (B1-MP-1370).

ACTION ON DOCKET CASES

The Commission announced adoption of an Order making final amended Findings of Fact and Conclusions (B-151), granting the application of Saginaw Broadcasting Company (WSAM), Saginaw, Michigan, for a modification of license to change operating assignment from 1230 kilocycles, 100 watts night, 250 watts day, specified hours, to 1400 kilocycles, 250 watts, unlimited time. (Docket No. 6127)

The Commission also announced its proposal to deny the application of West Allis Broadcasting Co., Inc., for a construction permit to establish a new standard broadcast station at West Allis, Wisconsin, to use 1480 kilocycles with 250 watts power, daytime only. In its Proposed Findings of Fact and Conclusions (B-157), the Commission concludes:

"1. The policy announced by the Commission in the Memorandum Opinion of April 27, 1942, is based upon a recommendation of the Defense Communications Board (now Board of War Communications) and is for the purpose of conserving materials and the services of skilled persons to meet the requirements of the armed services of the United States during the present war. The policy specifically refers to the use and not to the acquisition of materials. The mere fact that the applicant has purchased or arranged to purchase all, or substantially all, of the materials necessary to construct the proposed station does not place it in a position where the application may be granted under the present policy.

"2. In view of the foregoing facts, public interest, convenience or necessity would not be served by the granting of the instant application."

FCC announced its proposal to deny the application of Louis G. Baltimore (WBRE), Wilkes-Barre, Pa., for a construction permit for a satellite station at Scranton, Pa., to operate with 100 watts power, simultaneously with Station WBRE. In its Proposed Findings of Fact and Conclusions (B-158), the Commission conclusions are substantially as quoted above in B-157.

FCC also announced its Decision and Order (B-155) granting the application of Yankee Network, Inc., Boston, Mass., for a construction permit for a high frequency (FM) broadcast station near Paxton, Mass., on Mt. Asnebumskit, with main studios in Boston, to operate on 44,300 kilocycles. This application was granted with the provision that the permit to be issued shall specify: (1) An area of 19,000 square miles within the 50 micro-volt per meter contour of the projected station; and (2) the actual equipment now in use at Station W43B. (This station formerly operated as experimental station W1XOJ, and has operated under Special Service Authorization on a commercial basis as station W43B since April 1941. The granting of the instant application involves no construction.)

The Commission announced adoption of an Order making final its Findings of Fact and Conclusions (B-140), denying the application of the City of New York Municipal Broadcasting System to increase the hours of operation of Station WNYC on the frequency 830 kc., with its present power of 1 KW. The licensee sought to operate from 6 a. m. to 11 p. m., Eastern Standard Time, using directional antenna, instead of daytime until sunset at Minneapolis, as as present.

Commissioners Payne and Walker voted no to the above Order.

LICENSE RENEWALS

The following international broadcast stations were granted renewal of licenses for the period ending November 1, 1943:

KGEI, San Francisco; WBOS, Boston, Mass.; WCBX, WCDA, WCRC, New York City; WGEA, WGEO, Schenectady, N. Y.; WLWO, Cincinnati, Ohio, WNBI, WRCA, New York City.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Present license extended upon a temporary basis only, for the period ending December 1, 1942, pending determination upon application for renewal.

KGIW—E. L. Allen, Alamosa, Colo.—Granted renewal of license for the period ending in no event later than October 1, 1943 (B5-R-755).

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Granted renewal of license for the period ending in no event later than June 1, 1944 (B1-R-1149).

Granted further extension of following licenses, upon a temporary basis only, pending determination upon application for renewal of license, in no event later than December 1, 1942:

KAND, Corsicana, Tex.; KBST, Big Spring, Tex.; KCMC, Texarkana, Tex.; KFBC, Cheyenne, Wyo.; KFPY, Spokane, Wash.; KFRO, Longview, Tex.; KFXM, San Bernardino, Calif.; KGEK, Sterling, Colo.; KGFV, Kearney, Neb.; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Tex.; KHBG, Okmulgee, Okla.; KID, Idaho Falls, Idaho; KIEM, Eureka, Calif.; KMAC, San Antonio, Tex.; KPLT, Paris, Tex.; KRBA, Lufkin, Tex.; KRBC, Abilene, Tex.; KSWO, Lawton, Okla.; KVGB, Great Bend, Kans.; KWFC, Hot Springs, Ark.; KWKH, Shreveport, La.; KXL, Portland, Ore.; WBBZ, Ponca City, Okla.; WBIR, Knoxville, Tenn.; WBNX, New York, N. Y.; WCAZ, Carthage, Ill.; WCBT, Roanoke Rapids, N. C.; WBRW, Welch, W. Va.; WCOC, Meridian, Miss.; WCOP, Boston, Mass.; WEDC, Chicago, Ill.; WFCI, Pawtucket, R. I.; WFHR, Wisconsin Rapids, Wisc.; WFIN, Findlay, Ohio; WFGP, Atlantic City, N. J.; WGES, Chicago, Ill.; WING, Dayton, Ohio; WJBW, New Orleans, La.; WLOF, Orlando, Fla.; WMRO, Aurora, Ill.; WNBZ, Saranac Lake, N. Y.; WNEL, San Juan, P. R.; WOCB, near Hvannis, Mass.; WPAX, Thomasville, Ga.; WSPB, Sarasota, Fla.; WTEL, Philadelphia, Pa.; WTRC, Elkhart, Ind.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present license further extended upon a temporary basis for the period ending December 1, 1942, pending determination upon application for renewal.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present license further extended upon a temporary basis for the period ending December 1, 1942, pending determination upon application for renewal.

W8XO—The Crosley Corp., near Mason, Ohio.—Present license further extended upon a temporary basis only, pending determination upon renewal, for the period ending December 1, 1942.

MISCELLANEOUS

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1444).

KBON—MSB Broadcast Co., Omaha, Nebr.—Granted license to cover construction permit as modified, for new station (B4-L-1632). Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1363).

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted modification of construction permit as modified, which authorized change in frequency, increase power, new transmitter, move transmitter, and directional antenna for day and night use, for extension of completion date from October 22 to December 22, 1942 (B3-MP-1647).

W9XG—Purdue University, W. Lafayette, Ind.—Granted modification of construction permit, as modified, which authorized changes in equipment, frequencies, decrease in power and addition of aural channel using special emission for FM, for extension of completion date from September 24, 1942 to September 24, 1943 (B4-MPVB-88).

W9XPR—Balaban & Katz Corp., Chicago, Ill.—Granted license to cover construction permit as modified, which authorized new experimental television broadcast station; granted upon an experimental basis only, conditionally (B4-LVB-37).

W55M—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Granted license to cover construction permit as modified which authorized a new high frequency broadcast station (B4-LH-9).

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted modification of construction permit as modified, for installation of directional antenna for day and night use and increase in power, for extension of completion date from October 16 to November 16, 1942 (B5-MP-1653).

WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Granted modification of construction permit as modified, for change in frequency, increase in power, move transmitter, and install new transmitter and directional antenna for day and night use, for extension of completion date from October 19 to November 19, 1942 (B4-MP-1656).

KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Granted petition to dismiss without prejudice application for modification of construction permit for extension of completion date (Docket No. 6245).

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Granted modification of construction permit, which authorized a new broadcast station, for approval of antenna and approval of studio site and transmitter site (B2-MP-1570).

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted license to cover construction permit as modified for new transmitter, changes in antenna system, and move transmitter and antenna (B4-L-1664).

KGDM—E. F. Pepper, Stockton, Calif.—Granted modification of construction permit as modified, which authorized change of frequency and hours of operation, increase power and installation of directional antenna for night use and new transmitter, for extension of completion date from October 20 to December 20, 1942 (B5-MP-1648).

WMC—Memphis Publishing Co., Memphis, Tenn.—Granted license to cover construction permit as modified, which authorized increase in power and changes in directional antenna for night use (B3-L-1716); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1450).

WALB—Herald Publishing Co., Albany, Ga.—On the Commission's own motion, continued the consolidated hearing on applications for renewal of license, construction permit and assignment of license, now set for November 9, 1942, until November 19, 1942 (Docket Nos. 6398, 6399, 6400).

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted petition to intervene and enlarge issues in re application of WJLS, Beckley, W. Va., in Docket No. 5972.

WDSU—WDSU, Inc., New Orleans, La.—Granted motion for order to take depositions in re application for construction permit (Docket 6331), and for renewal of license (Docket 6332).

Beauford H. Jester, Individually and as Trustee for W. W. Callan, et al., Waco, Texas.—Granted motion for permission to file deposition in re application for new station (Docket 6218).

Frontier Broadcasting Co., Area of Cheyenne, Wyo.—Granted petition for dismissal without prejudice of applications for two new relay stations (Dockets 6413 and 6414).

National Broadcasting Co.—Granted motion for dismissal without prejudice of applications for new relay broadcast stations at Addison, Ill., Area of Chicago, and three for the San Francisco area (Dockets 6411, 6412, 6423, 6424, 6425).

Blue Network Co., Inc., San Francisco, Calif.—Granted motion for dismissal without prejudice of application for new relay station (Docket 6426).

Blue Network Co., Inc., Hollywood, Calif.—Granted motion for dismissal without prejudice of application for new relay station (Docket 6385).

WDAE—Tampa Times Company, Tampa, Fla.—Granted petition to dismiss without prejudice application for construction permit (Docket 6340).

Northeastern Penna. Broadcasters, Inc., Wilkes-Barre, Pa.—Withdrawn petition for specification of issues in re application for new station in Wilkes-Barre (Docket 6170).

K51L—St. Louis University, St. Louis, Mo.—Granted motion for a continuance of the hearing on application for modification of construction permit for high frequency broadcast station K51L to extend completion date from August 4, 1942, to February 4, 1943; hearing continued to October 29, 1942 (Docket No. 6386).

WLW—The Crosley Corp., Cincinnati, Ohio.—On the Commission's own motion, continued until November 26, 1942, the hearing on the application of WLW for modification of license to operate with 500 KW until local sunset, 50 KW at night, using the transmitter of experimental station W8XO (Docket No. 6341).

WHCU—Cornell University, Ithaca, N. Y.—Granted petition to dismiss without prejudice applications for construction permit to operate on 610 kc., 5 KW, directional antenna night, unlimited time (Docket No. 6416), and for construction permit to operate on 640 kc., 1 KW, directional antenna night, unlimited time. (Docket No. 6417)

John W. Choate, Leonore V. Choate, E. P. Nicholson, Jr., and John Wallbrecht, a partnership, Middlesboro, Ky.—Granted motion to dismiss without prejudice application for construction permit for new station to operate on 1230 kc., 250 watts, unlimited time. (Docket No. 6404)

WNYE—Board of Education, City of New York, Brooklyn, N. Y.—Granted modification of construction permit, as modified, which authorized change in equipment, frequency, power and emission for non-commercial educational station, for extension of completion date from October 20, 1942, to December 1, 1942 (B1-MPED-15).

WTNJ—WOAX, Inc., Trenton, N. J.—Granted motion for continuance of hearing to December 2, 1942, on applications of license (Dockets 5893 and 6161); City of Camden (WCAM), Camden, N. J., for renewal of license and for modification of license (Dockets 5361 and 6144); and Radio Industries Broadcast Co. (WCAP), Asbury Park, N. J., for renewal of license and for modification of license (Dockets 5778 and 6145).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted motion for continuance of hearing to November 25, 1942, on application for modification of license to operate on 1250 kc., 250 watts, unlimited time (Docket 6216).

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification of construction permit (B4-P-2827 as modified) which authorized change in hours of operation, move of transmitter and installation of directional antenna for night use, for extension of completion date from 11-19-42 to 5-18-43.

610 Kilocycles

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Construction permit to move former licensed main transmitter and antenna to Front Street and 63rd Ave., West, Duluth,

Minn. (site of new main transmitter) to be used for auxiliary purposes only with power of 250 watts.

710 Kilocycles

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Modification of construction permit (B3-P-3355 as modified) which authorized change in frequency, increase in power, installation of new transmitter, move transmitter and installation of directional antenna for night use for change in type of transmitter and change in type of frequency and phase monitors.

770 Kilocycles

WEW—The St. Louis University, St. Louis, Mo.—Special service authorization to operate unlimited time on 770 kc., using power of 1 KW.

1150 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of construction permit (B1-P-2758 as modified) which authorized increase in power, installation of new transmitter and directional antenna for day and night use for extension of completion date from 10-17-42 to 11-17-42.

1260 Kilocycles

WNAC—The Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-P-3445) which authorized increase in power, changes in equipment, and installation of directional antenna for night use for extension of commencement and completion dates from 5-10-42 and 11-10-42 to 11-10-42 and 180 days thereafter respectively.

1340 Kilocycles

KRBA—Ben T. Wilson, R. A. Corbett and Thomas W. Baker, co-partners d/b as Red Lands Broadcasting Assn., Lufkin, Texas.—Voluntary assignment of license to Darrel E. Yates.

1420 Kilocycles

WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Modification of construction permit (B4-P-2288 as modified) which authorized change in frequency, increase in power, move transmitter, install new transmitter and directional antenna for day and night use for extension of completion date from 10-19-42 to 11-19-42.

FM APPLICATION

W49FW—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—License to cover construction permit (B4-PH-63 as modified) which authorized construction of new high frequency broadcast station, in part in accordance with Commission Action of 8-4-42.

MISCELLANEOUS APPLICATIONS

NEW—Voice of Christian Youth, Detroit, Mich.—Authority to transmit programs from Wesley Methodist Church, Detroit, Mich., to Canadian Station CKLW, Windsor, Canada.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Koret, Inc., 33 East 33rd St., New York, manufacturer and distributor of ladies' handbags and other articles, is charged in a complaint with misrepresentation. (4848)

National Inheritance Service, 26 O'Farrell St., San Francisco, and O. F. Blaker, 4642 York Road, Baltimore, are charged in a complaint with misrepresentation and the use of unfair and deceptive acts and practices in commerce within the meaning of the Federal Trade Commission Act. (4849)

Perfect Manufacturing Co., doing business as the So-Lo Works, 3317 Madison Road, Cincinnati, engaged in the manufacture and sale of an adhesive cement designated "So-Luminum," is charged in a complaint with misrepresentation. (4856)

B. C. Remedy Co., Durham, N. C., engaged in the manufacture and sale of a medicinal preparation designated "BC" and "BC Headache Powders," is charged in a complaint with false advertising and misrepresentation. (4851)

Stanback Company, Ltd., Salisbury, N. C., manufacturers and distributors of a medicinal preparation designated "Stanback Headache Powders" and "Stanback," is charged in a complaint with false advertising. (4855)

Ulrici Medicine Co., Inc., and Trans-Pac Services, Inc., located, respectively, at 233 West 14th St., New York and 4-20 47th Avenue, Long Island, N. Y., are charged in a complaint with misrepresentation. (4853)

World's Medicine Co., P. O. Box 291, Indianapolis, engaged in the sale and distribution of a medicinal preparation designated, "World's Tonic," is charged in a complaint with misrepresentation and false advertising. (4847)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

L. L. Edwards, Shelbyville, Tenn., dealer in nut products and candy to jobbers and retail dealers, has been ordered to cease and

desist from the use of lottery methods in the sale and distribution of his products. (4797)

Grand Rapids Factory Show Rooms, Inc., Meyer Zisblatt and Sam Zisblatt, Paterson, N. J., engaged in selling and distributing household furniture, have been ordered to cease and desist from misrepresentation of their products. (4626)

Montgomery Ward & Co., Inc., Chicago, has been ordered to cease and desist from certain misrepresentations in the sale of cosmetics. (4728)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Columbia Manufacturing Co., 22 West 32nd St., New York, engaged in the sale and distribution of billfolds and other leather goods, has stipulated to cease and desist from use of the word "Manufacturing," or other word or words of like meaning as a part of their trade name, and from use of the words "Manufacturing," "Manufacturers," "We make" or other words of like meaning so as to convey the belief that they make or manufacture the products sold by them or that they actually own or operate or control a plant or factory in which the products are manufactured. (3544)

National Educational Board, Educational Information Bureau, Educational Information Association and Club Mailers, 236 West 55th St., New York, engaged in soliciting, obtaining and disseminating so-called mailing lists consisting of lists of names of high school graduates, has stipulated to cease and desist from use of the trade names "National Educational Board," "Educational Information Bureau," or "Educational Information Association" and from use of any statement or representation implying that his business is conducted by or under the supervision or control of any national or State educational board or bureau or by any board, bureau or association of schools or colleges and from representing by use of the phrase "Approved by the New York Board of Education" or any other statement or representation, that the business conducted by him has been approved or endorsed by the New York Board of Education or by any Federal, State, or other educational bureau or department. (3545)

RETAIL PROMOTION CAMPAIGN LAUNCHED

After six months of preliminary but exhaustive research, the Retail Promotion Committee of the National Association of Broadcasters, of which Paul W. Morency of WTIC-Hartford, Conn., is chairman, has instituted an industry-wide campaign to finance the preparation of a study that will analyze the present-day and probable future problems of department stores, and other retail establishments, in relation to the opportunity that broadcasting offers to the amelioration of those problems.

Preliminary to the exploration of this problem by the broadcasters the assistance and cooperation of the Sales Promotion Division of the National Retail Dry Goods Association was enlisted. This organization made a nationwide survey of the use of radio by retailers and the results of their experience.

The research, analysis and presentation will be developed by Sheldon R. Coons, general business counsel of New York City, who was formerly vice president and merchandise manager of Gimbel Bros., Inc., and for ten years executive vice president of Lord & Thomas, with the assistance of outstanding leaders in the various fields that have a bearing on the subject. Mr. Coons, under the direction of the committee, has conducted the preliminary research and study since his retention as counsel early in July.

The proposed plan contemplates investigation of every factor which appears likely to influence retailing during the stresses and strains of this period of wartime priorities, rationing and restrictions.

The investigation will also include an analysis of some of the factors that are likely to influence the trend and character of retailing after the war is won.

The keynote of the various plans and clinics, conducted by the Office of Price Administration in conjunction with leading representatives of retailers, has been the urgent need to reduce the costs of retail distribution to enable retailers to survive under price ceilings. This thesis is the keynote of the presentation to be prepared by Mr. Coons. In many fields of distribution, broadcast advertising, well and wisely used, has enabled manufacturers and distributors to lower the costs of distribution. In pursuit of that goal, the presentation will include a complete and factual study of the use of broadcasting adver-

(Continued on page 618)



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

RETAIL PROMOTION CAMPAIGN LAUNCHED

(Continued from page 617)

tising by various types of accounts, including recent case histories of its use in the field of retail distribution.

Among the subjects in this portion of the presentation are:

- Where does radio fit into the retailers' problems?
- What is the retailers' problem in the use of radio as revealed by the N.R.D.G.A. survey?
- How should you buy radio time?
- How should you measure a radio audience?
- How can you insure your radio investment?
- How do you set up a radio department in your store?
- What can you expect from your radio station?

Preliminary discussions with leading retailers indicate that the answer to every single one of those questions is of vital interest right now to all retail advertisers. The plan proposed by the Retail Promotion Committee of NAB will seek the answers to all of these questions and endeavor to present the answers in an easily understood and fully authenticated fashion.

During the preliminary discussions and the preparation of the outline of the proposed plan, the Retail Promotion Committee of NAB has worked very closely with the Sales Promotion Division of the N.R.D.G.A. The final outline and purpose have received the unanimous and enthusiastic endorsement of the directors of that division of N.R.D.G.A.

In a letter today to all commercial radio stations in the United States, Chairman Morency pointed out that while the preliminary thinking and work on this plan has been conducted under the direction of NAB, participation in the plan is available to NAB member and non-member stations alike, as well as to Canadian broadcasters. Enclosed with the letter was a pledge blank and schedule of charges for participation, based on gross income of the individual stations during 1941.

During the series of NAB district meetings, which has just gotten under way, details of the proposed plan are being explained to station executives and sales managers by Lewis H. Avery, Director of the Department of Broadcast Advertising of NAB.

The details of the presentation will be perfected by Mr. Coons with the guidance of the committee when the necessary finances are assured. The campaign to secure funds will, in addition to the letters heretofore mentioned, be carried on at the District meetings. Indicative of the enthusiasm of the industry, the broadcasters of the Fourth and Fifth Districts have unanimously endorsed it and pledged their whole-hearted support.

The tentative plan of the committee as outlined by Mr. Coons contemplates a motion slide, transcribed and live talent packaged show with a trained master of ceremonies to handle the presentation. For the use of those communities and areas who do not desire outside talent there will be an adaptation that may be staged by local broadcasters without outside assistance. There will also be a

desk presentation for the use of stations in dealing directly with retail establishments.

More than passing interest in the plan has been evidenced in retail circles. Not only has the Sales Promotion Division of NRDGA rendered helpful assistance in the preliminary planning, but it has pledged its cooperation to secure the attendance at the various presentations of the key personnel of department stores and other retail establishments.

With the united efforts of broadcasters throughout the nation and in the various communities and areas, it is confidently predicted that this Retail Promotion plan will contribute much to both retailers and radio stations. With the preliminary work behind it, Mr. Morency's committee is concentrating its efforts upon the financing phases of the project. A goal of \$125,000 to \$150,000 has been set to be raised in accordance with the following classification schedule:

<i>Revenue Classification *</i>	<i>Group Classification</i>	<i>Allocation Per Station</i>
Under \$15,000	A	\$25.00
15,000- 20,000	B	30.00
20,000- 25,000	C	35.00
25,000- 30,000	D	40.00
30,000- 35,000	E	45.00
35,000- 40,000	F	50.00
40,000- 45,000	G	55.00
45,000- 50,000	H	60.00
50,000- 55,000	I	70.00
55,000- 60,000	J	80.00
60,000- 65,000	K	90.00
65,000- 70,000	L	100.00
70,000- 80,000	M	125.00
80,000- 90,000	N	175.00
90,000- 99,000	O	250.00
100,000-200,000	P	500.00
200,000-500,000	Q	600.00
Over 500,000	R	750.00

* Based on 1941 income, including network billings, but less frequency and agency discounts, if any.

Pledges only are being accepted at this time. No payments are being asked until a sufficient amount has been pledged to definitely assure the successful financing of the entire plan. Reports on the progress of the campaign will be given in NAB REPORTS each week.

Here is something that deserves the considered and favorable action of every broadcaster in the nation. In addition to promising radio a larger share of the retail advertising budgets, the success of this plan would bring in to radio many advertisers of nationally distributed merchandise in the clothing field which have not heretofore used radio. From this standpoint both large and small stations stand in a position to derive direct benefits. Every station manager is asked to carefully study this plan as outlined in the letter sent out by Chairman Morency and the committee on Friday, October 30.

In addition to Chairman Morency, the Retail Promotion Committee of NAB includes: John M. Outler, Jr., WSB; Dietrich Dirks, KTRI; William C. Gillespie, KTUL; Sherman D. Gregory, WEAf; Arthur H. Hayes, WABC; Walter Johnson, WTIC.

Salaries Stabilized

Salaries as well as wages in all establishments employing eight or more persons are now "stabilized."

The effective date of stabilization of salaries under \$5000 was October 27. The effective date for salaries of \$5000 or more was October 3.

No blanket or general salary increases are permissible without the approval of either the War Labor Board or the Commissioner of Internal Revenue (Treasury Department).

Individual increases without the approval of either the WLB or the Commissioner of Internal Revenue are permissible, however, when the increases are made as a result of:

- (1) individual promotions or reclassifications,
- (2) individual merit increases within established salary ranges,
- (3) operation of an established plan of salary increases based on length of service,
- (4) increased productivity under incentive plans, or
- (5) "such other reasons or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations."

The WLB is to handle salaries under \$5,000 except those of bona fide executive, administrative and professional employees. These and salaries over \$5,000 are to be handled by the Commissioner of Internal Revenue. It can be assumed that the Wage and Hour definitions of executive, administrative and professional will be applied.

We suggest it would be well worth your while to read carefully the text of the order, which follows:

TITLE 32—NATIONAL DEFENSE

Chapter XVIII—Office of Economic Stabilization

Subchapter A—Office of the Director of Economic Stabilization

Part 4001—Wages and Salaries

By virtue of the authority vested in the President by the Constitution and the laws of the United States, and particularly by the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public No. 729, 77th Congress, 2d Session), the following regulations are hereby promulgated.

Sec. 4001.1. *Definitions.*—When used in these regulations, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(a) The term "Act" means the Act of October 2, 1942, (Public No. 729, 77th Congress) entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes".

(b) The term "Board" means the National War Labor Board created by Executive Order No. 9017, dated January 12, 1942 (7 F. R. 237).

(c) The term "Commissioner" means the Commissioner of Internal Revenue.

(d) The term "Code" means the Internal Revenue Code, as amended and supplemented.

(e) The term "salary" or "salary payments" means all forms of direct or indirect compensation which is computed on a weekly, monthly, annual or other comparable basis, except a wage basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, loans, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount).

(f) The term "salary rate" means the rate or other basis at which the salary for any particular work or service is computed either under the terms of a contract or agreement or in conformity with an established custom or usage.

(g) The term "wages" or "wage payments" means all forms of direct or indirect compensation which is computed on an hourly or daily basis, a piece-work basis, or other comparable basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, commissions, loans, fees, and any other remuneration in any form or medium

whatsoever (but excluding insurance and pension benefits in a reasonable amount).

(h) The term "insurance and pension benefits in a reasonable amount" means

(1) contributions by an employer to an employees' trust or under an annuity plan which meets the requirements of section 165(a) of the Code, and

(2) amounts paid by an employer on account of premiums on insurance on the life of the employee which amounts are deductible by the employer under section 23(a) of the Code, except that if such amounts are includible in the gross income of the employee under the Code, the amount in respect of each employee may not exceed five per cent of the employee's annual salary or wages determined without the inclusion of insurance and pension benefits.

(i) The terms "approval by the Board" and "determination by the Board" shall, except as may be otherwise provided in the regulations or orders of the Board, include an approval or determination by an agent of the Board duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Board, shall nevertheless for the purposes of these regulations, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following the reversal or modification or until such later date as the Board may direct.

(j) The terms "approval by the Commissioner" and "determination by the Commissioner" shall, except as may be otherwise provided in regulations prescribed by the Commissioner, include an approval or determination by an agent of the Commissioner duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Commissioner, shall nevertheless for the purpose of these regulations, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following reversal or modification or until such later date as the Commissioner may direct.

Sect. 4001.2. *Authority of National War Labor Board.*—The Board shall, subject to the provisions of sections 1, 2, 3, 4, 8, and 9 of Title II of Executive Order No. 9250, of October 3, 1942, have authority to determine whether any—

(a) Wage payments, or

(b) Salary payments to an employee totaling in amount not in excess of \$5,000 per annum where such employee

(1) in his relations with his employer is represented by a duly recognized or certified labor organization, or

(2) is not employed in a bona fide executive, administrative or professional capacity

are made in contravention of the Act, or any rulings, orders or regulations promulgated thereunder. Any such determination by the Board, made under rulings and order issued by it, that a payment is in contravention of the Act, or any rulings, orders, or regulations promulgated thereunder, shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Board made pursuant to the authority conferred on it shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings.

Sec. 4001.3. *Rules, Orders and Regulations of Board.*—The Board may make such rulings and issue such orders or regulations as it deems necessary to enforce and otherwise carry out the provisions of these regulations.

Sec. 4001.4. *Authority of the Commissioner of Internal Revenue.*—The Commissioner shall have authority to determine, under regulations to be prescribed by him with the approval of the Secretary of the Treasury, whether

any salary payments other than those specified in paragraph (b) of section 4001.2 of these regulations are made in contravention of the Act, or any regulations or rulings promulgated thereunder. Any such determination by the Commissioner, made under such regulations, that a payment is in contravention of the Act, or any rulings or regulations promulgated thereunder, shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulations, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Commissioner made pursuant to the authority conferred on him shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings. No increase in a salary rate approved by the Commissioner shall result in any substantial increase of the level of costs or shall furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

Sec. 4001.5. *Rules and Regulations of Commissioner*—The Commissioner may prescribe such regulations with the approval of the Secretary of the Treasury, and make such rulings as he deems necessary, to enforce and otherwise carry out the provisions of these regulations.

Sec. 4001.6. *Salary Increases*—In the case of a salary rate of \$5,000 or less per annum existing on the date of the approval of these regulations by the President and in the case of a salary rate of more than \$5,000 per annum existing on October 3, 1942, no increase shall be made by the employer except as provided in regulations, rulings, or orders promulgated under the authority of these regulations. Except as herein provided, any increase made after such respective dates shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder from the date of the payment if such increase is made prior to the approval of the Board or the Commissioner, as the case may be.

In the case, however, of an increase made in accordance with the terms of a salary agreement or salary rate schedule and as a result of

- (a) individual promotions or reclassifications,
- (b) individual merit increases within established salary rate ranges,
- (c) operation of an established plan of salary increases based on length of service,
- (d) increased productivity under incentive plans,
- (e) operation of a trainee system, or
- (f) such other reasons or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations,

no prior approval of the Board or the Commissioner is required. No such increase shall result in any substantial increase of the level of costs or shall furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

Sec. 4001.7. *Decreases in salaries of less than \$5,000*.—In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of less than \$5,000 per annum for any particular work, no decrease shall be made by the employer below the highest salary rate paid for such work between January 1, 1942, and September 15, 1942, unless to correct gross inequities or to aid in the effective prosecution of the war. Any decrease in such salary rate after October 3, 1942, shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder

if such decrease is made prior to the approval of the Board or the Commissioner, as the case may be.

Sec. 4001.8. *Decreases in salaries of over \$5,000*.—In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of \$5,000 or more per annum, no decrease in such rate made by the employer shall be considered in contravention of the Act and the regulations promulgated thereunder (see section 5 (b) of the Act); provided, however, that if by virtue of such decrease the new salary paid to the employee is less than \$5,000 per annum, then the validity of such decrease below \$5,000 shall be determined under the provisions of section 4001.7 of these regulations.

Sec. 4001.9. *Limitation on Certain Salaries*.—(a) No amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) shall be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year which, after reduction by the Federal income taxes on the amount of such salary, would exceed \$25,000. The amount of such Federal income taxes shall be determined (1) by applying to the total amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) paid or accrued during the taxable year, undiminished by any deductions, the rates of taxes imposed by Chapter 1 of the Code (not including section 466) as if such amount of salary were the net income (after the allowance of credits applicable thereto), the surtax net income, and the Victory tax net income, respectively, and (2) without allowance of any credits against any of such taxes.

(b) In any case in which an employee establishes that his income from all sources is insufficient to meet payments customarily made to charitable, educational or other organizations described in section 23 (o) of the Code, without resulting in undue hardship, then an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year even though it exceeds the amount otherwise computed under paragraph (a).

(c) In any case in which an employee establishes that, after resorting to his income from all sources, he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet payments for the following:

(1) Required payments (excluding accelerated payments) by the employee during the taxable year on any life insurance policies on his life which were in force on October 3, 1942,

(2) Required payments (excluding accelerated payments) made by the employee during the taxable year on any fixed obligations for which he was obligated on October 3, 1942,

(3) Federal income taxes of the employee for prior taxable years which are paid during the taxable year, not including Federal income taxes on the allowance under paragraph (a) for any prior year, an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year, even though it exceeds the amount otherwise computed under paragraph (a).

(d) In the case of an individual who is an employee of more than one person, the aggregate of the salaries received by such individual shall, under such circumstances as may be set forth in regulations promulgated under the authority of these regulations, be treated as if paid by a single employer.

(e) No amount of salary shall be paid or authorized to be paid to or accrued to the account of any employee or received by him after the date of approval of these regulations by the President and before January 1, 1943, if the

total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under paragraph (a) of this section and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941.

(f) Except as provided in paragraph (e) of this section, the provisions of this section shall be applicable to salary paid or accrued after December 31, 1942, regardless of when authorized and regardless of any contract or agreement made before or after such date.

Sec. 4001.10. *Effect of unlawful payments.*—(a) If any wage or salary payment is made in contravention of the Act or the regulations, rulings or orders promulgated thereunder, as determined by the Board or the Commissioner, as the case may be, the entire amount of such payment shall be disregarded by the Executive Departments and all other agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses of any contract made by or on behalf of the United States. The term "law or regulations" as used herein includes any law or regulation hereafter enacted or promulgated. In the case of wages or salaries decreased in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the amount of the wage or salary paid or accrued. In the case of wages or salaries increased in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the amount of the wage or salary paid or accrued and not merely an amount representing an increase in such wage or salary. In the case of a salary in excess of the amount allowable under section 4001.9 of these regulations which is paid or accrued to an employee during his taxable year in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the full amount of such salary and not merely the amount representing the excess over the amount allowable under such section 4001.9.

(b) Payments made or received in violation of any regulations, rulings or orders promulgated under the authority of the Act are subject to the penal provisions of the Act.

Sec. 4001.11. *Exempt employers.*—The provisions of sections 4001.6, 4001.7 and 4001.8 of these regulations shall apply only in the case of an employer who employs more than eight individuals.

Sec. 4001.12. *Salary Allowances under Internal Revenue Code.*—No provision of these regulations shall preclude the Commissioner from disallowing as a deduction in computing Federal income tax any compensation paid by an employer (regardless of the number of employees and of the amount paid to any employee) in excess of a "reasonable allowance" in accordance with the provisions of section 23 (a) of the Code.

Sec. 4001.13. *Statutory Salaries and Wages.*—These regulations shall be applicable to any salary or wages paid by the United States, any State, Territory or possession, or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, except where the amount of such salary or wages is fixed by statute.

Sec. 4001.14. *Territories and Possessions.*—The Board and the Commissioner shall have the authority to exempt from the operation of these regulations any wages or salaries paid in any Territory or possession of the United States where deemed necessary for the effective administration of the Act and these regulations.

Sec. 4001.15. *Regulations of Economic Stabilization Director.*—The Director shall have authority to issue such regulations as he deems necessary to amend or modify these regulations.

Sec. 4001.16. *Effect of Executive Order No. 9250.*—To the extent that the provisions of Executive Order No. 9250, dated October 3, 1942 (7 F. R. 7871) are inconsistent with these regulations, such provisions are hereby superseded.

JAMES F. BYRNES,
Economic Stabilization Director.

Approved:

FRANKLIN D. ROOSEVELT,
The White House.
October 27, 1942.

PLEASE ANSWER PROMPTLY

Under date of October 22, the FCC sent out that section of its 1942 financial questionnaire dealing with employees and compensation.

This information when compiled will be invaluable to any station wishing to make any general salary adjustments.

The NAB joins the FCC in urging prompt returns. It is to the advantage of every station to do so.

COST OF LIVING

The U. S. Labor Department reports that the cost of living increased 0.3 per cent from August 15 to September 15, and on the latter date was 20 per cent higher than it was in August, 1939.

WAGE-HOUR INSPECTIONS

The Wage and Hour Division has announced that hereafter it will confine its inspections to the period since October 24, 1940. Violations prior to that time will no longer be checked, but there is nothing in the Division's announcement to preclude employees from bringing suit against their employers for violations before October 24, 1940.

CLARK BILL

Senator Clark (D.-Idaho) on October 23 introduced the following bill (S. 2874) to remove the AF of M recording ban:

To prohibit certain contracts, agreements, conspiracies, and combinations which prevent the making of recordings for use by radio broadcasting stations and coin-operated phonographs.

Whereas radio broadcasting is an essential public service and is strongly affected with the national public interest; and

Whereas radio broadcasting is of great importance to the successful prosecution of the war; and

Whereas the use of recorded music by radio stations is essential to the optimum utilization of radio facilities; and

Whereas the cessation of the manufacture of phonograph records and electrical transcriptions would threaten to eliminate the source of newly recorded music: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any provision in the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, to the contrary notwithstanding, it shall be unlawful for any person or any group or organization of persons, or the officers, representatives, or members thereof, to make any contract or agreement, or to engage in any combina-

tion or conspiracy, to refuse to make or manufacture or refuse to engage in the making or manufacture of phonograph records, electrical transcriptions, or other forms of recordation, if a purpose or effect of the contract, agreement, conspiracy, or combination is to limit or curtail the supply or use of phonograph records, electrical transcriptions, or other form of recordation by radio-broadcasting stations or coin-operated phonographs: *Provided*, That no such contract, agreement, conspiracy, or combination shall be considered unlawful if it is based on a dispute concerning compensation, hours, health, safety, or conditions of employment.

SEC. 2. Any violation of the provisions of this Act shall be punishable by a fine not exceeding \$5,000 or by imprisonment for not more than one year, or both.

SEC. 3. This Act shall remain in force during the continuance of the present war and for six months after termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate.

War Problems

MANPOWER

An official of Selective Service National Headquarters, testifying before the Senate Military Affairs Committee early this week, stated the manpower problems of the nation can be expected to become critical in January or February of 1943.

As the manpower situation becomes more acute it is believed that broadcasters, along with other industries, will broaden the employment opportunities for women.

Partial tabulation of the early replies to the NAB Manpower Survey indicate an increase in the employment of women technicians and operators of more than 1200%, during the period covered by the survey. This trend clearly indicates the importance of proper selection and training of women for these and other positions in broadcast stations.

An article entitled "Do You Understand Women?" appearing in the September 1942 issue of RADIO RETAILING TODAY contains many helpful suggestions and is reprinted with the publisher's permission.

"Day by day, more and more men are giving up their peacetime pursuits to 'join the colors' and take an active part in fighting to preserve our way of life.

Yet business and industry, must go on. It must go on to provide the civil population with the necessities of life and of living.

Men must do our fighting on the battle fronts, and women must do their full share in business, in production and in taking a man's job on the home front.

Women are taking the places of more fighting men in the Army. The WAACs will make a real contribution to Army administration. The WAVES are soon to take their places in the shore establishment of the Navy.

Women are taking the places of men in industry, in manufacturing everything from zippers to airplanes, and doing a fine job.

Women have made more radio tubes and radio sets than men ever will.

Many business men still harbor some prejudices against women in some jobs, but these are fast disappearing in the light of their performance. Light work, hard work, hand work, head work, machine work, office work, all now are women's work.

Certainly, you have to train them, thoroughly and carefully. But first you have to *select* them.

Natural Aptitudes

Most women have a high degree of hand dexterity, and fine coordination of hand and eye. But some are clumsy

and awkward. Most women have infinite patience, and excel at detail and repetitive work.

But many do not.

You'll run into just as much trouble putting the wrong woman on a job as you would in putting the wrong man on the same job.

Because most women have not had the experience, you must be prepared to train them to bring out the full advantage of their natural aptitudes.

In the selection of personnel there is no good reason why sex should be any more important a factor than nationality, or religion, given equal education and intelligence.

Seek Necessary Qualifications

Bear in mind when selecting women to replace men, that "beauty" is the poorest of all measures of ability. Very often, you will find, that "beauty and brains" are like "oil and water." Neatness is highly desirable in any employee.

Women must be selected for their job as workers, not as women and they must be trained, disciplined and supervised on the same basis.

It's true, of course, that the female psychology is somewhat different from that of the male. And so the methods of discipline and supervision must be adjusted accordingly.

Women should be tested and fitted to their jobs by the same standards as men.

That is, the same qualities are necessary to fit a woman for a particular job as for a man. You may find that quality more frequently in women than in men. But they may not always be present. So you must *look* for them.

Careful Supervision

Women in business expect to be treated like the workers and humans they are, with respect and impersonally. Preferences to some are quickly resented by others and in a way which can quickly cause trouble and confusion. Rules, regulations, privileges must be uniform.

Most women do not have as high a sense of safety as do men; they shortcut the safety rules, have more minor accidents, fewer really serious ones, than do men.

Thus they create the necessity for more constant and careful supervision on machine or productive work. And this supervision presents a different problem where women are involved.

They are more sensitive, more nervous than men. Sharp criticism for an error may produce hysterics which lasts for 10 minutes, "nerves" which lasts for 10 days and resentment which lasts for 10 weeks. A woman is always to be preferred to a man, as a supervisor of women.

More women are working today than ever before, and their number is fast increasing. Women have tackled every job within their physical ability, and their records of performance are outstanding, in every line of endeavor.

Getting Results

These records are uniformly better in the larger organizations than in the smaller ones. This is true because in the larger organizations women are more carefully selected, their individual abilities more accurately measured, their assignment to jobs more scientifically done, their training more thoroughly given.

And this boils down to the fact that in most jobs, the factors of intelligence, education, training, are far more important than sex in fitting a worker to a job.

Not Permanent Prospects

But women are women—for all that, and differ from men in viewpoint, and in emotional equilibrium. These factors must always be kept in mind.

Business, or industry to most women is a temporary thing. For nature has endowed women with the maternal instinct, which must look upon home, and mate, and family, as the permanent state to which they aspire. There are some exceptions, of course.

And so, in employing women, do not make the mistake of placing too much dependence upon any one, so far as certainty of continuity of service is concerned.

The Fundamentals

A woman seldom ceases looking for "her man." And this factor must be watched in business, for it can cause waste and inefficiency when "boy meets girl" in the same business, to a degree that is surprising.

To expect the impossible from women is foolish. But women have "made good" in every job they've tackled, and they will make good in yours, too, if you try them, under fair conditions and handle them with intelligence and understanding."

VACUUM TUBES

The American Radio Relay League is cooperating with the NAB Engineering Department in an effort to secure transmitting tubes from amateurs for broadcast station use. Every tube secured will in turn release a new tube for military use.

It is probable tubes of certain types which have been difficult to obtain from manufacturers will be made available in considerable quantities.

The plan will become effective upon the publication of the December issue of QST, official organ of the League. Thus amateur radio will make another worthwhile contribution to the war effort.

BWC CONSERVATION PLAN

The FCC is expected to take early action on BWC's equipment conservation plan. Details of the plan are not available. However, the BWC chairman, James Lawrence Fly, made the following statement at his press conference:

"I think I ought to stress again that whatever is done, there will not result any lessening of the coverage or radio stations due to change in the various rules in the operation of the equipment. We will have the same effective output and same coverage we have had heretofore. You see, some of the rules which we have had regulating the equipment have necessarily been very strict, and we have got to a point now where, by changing those rules and by the consequent change in method of operation, we can get more effective output, so I think we can increase the life of the equipment materially without affecting coverage at all."

PRIORITY FOR URGENT TOLL CALLS

Effective November 1, 1942, certain urgent telephone toll calls may be assigned priority by broadcasters originating the calls.

The nature of the communication and the need for prompt contact determines the priority applicable as set forth in Order Number 20, of the Board of War Communications.

An informant at BWC stated broadcast stations are considered "Preferred Callers" under section 2 of the order reading "essential services such as communications," etc.

The order is self-explanatory and should be carefully studied. Telephone companies will provide authorized subscribers with detailed instructions covering the procedure to follow in placing priority calls.

The order reads as follows:

WHEREAS, The Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that certain telephone toll calls relating to the war effort or public safety be given preferred handling;

NOW, THEREFORE, By virtue of the authority vested in the Board by Executive Order No. 8964 of December 10, 1941, prescribing regulations governing the preference and priority of communications, and by virtue of the authority vested in the Board by Executive Order No. 9089 of March 6, 1942, prescribing regulations governing the use, control, supervision and closing of stations and facilities for wire communications;

IT IS HEREBY ORDERED AS FOLLOWS:

1. *Priorities*

On and after November 1, 1942, urgent toll calls placed with commercial telephone systems by the authorized persons or agencies designated in Paragraph 2 shall upon request be given priority over all other toll calls in accordance with the provisions of, and in the order set forth in subparagraph (a), (b) and (c) below:

(a) Priority 1 shall be given to calls which require *immediate* completion for war purposes or to safeguard life or property *and* which relate to one or more of the following matters:

- (1) Arrangements for moving armed forces during combat operations.
- (2) Extremely urgent orders to armed forces.
- (3) Immediate dangers due to the presence of the enemy.
- (4) Hurricane, flood, earthquake or other disaster materially affecting the war effort or public security.

Where necessary for the immediate completion of a call having Priority 1, any conversation in process (other than one having Priority 1) may be interrupted.

(b) Priority 2 shall be given to calls which require *immediate* completion for the national defense and security, the successful conduct of the war, or to safeguard life or property other than those specifically described in Paragraph 1(a).

(c) Priority 3 shall be given to calls which require *prompt* completion for the national defense and security, the successful conduct of the war, or to safeguard life or property and which involve matters of the following type:

- (1) Important governmental functions.
- (2) Machinery, tools or raw materials for war plants.
- (3) Production of essential supplies.
- (4) Maintenance of essential public services.
- (5) Supply or movement of food.
- (6) Civilian defense or public health safety.

2. *Preferred Callers*

The following persons and agencies are designated as authorized persons or agencies entitled to use telephone toll priorities where such call is required in the manner and for a purpose specified above.

The President of the United States, the Vice President, Cabinet officers, Members of Congress, Army, Navy, Aircraft Warning Service, Federal, State and Municipal Government Departments and Agencies, Embassies, Legations, and Commissions of the United Nations, Civilian Defense Organizations, Red Cross, State and Home Guards, essential war industries, essential services such as communications, transportation, power, water, fuel, press associations, newspapers, and health and sanitation services.

3. *Records*

A record shall be kept by all telephone carriers of all priority calls, which record shall include the priority given and whether a conversation in process was interrupted. Such record shall be kept by the telephone carrier for two years after the date of the call.

4. *Reports*

Within thirty days after the end of each calendar month, the American Telephone and Telegraph Company shall file with the Board a report for the Bell System Companies showing:

- (a) the number of calls during the preceding calendar month given Priority 1, 2, and 3, and the number of calls given Priority 1 for which other calls were interrupted;
- (b) periods of time required for completion of each class of priority calls.

5. Violations

The telephone facilities of any subscriber who willfully obtains or attempts to obtain priority for a toll call by fraudulently designating such call as a priority call or by furnishing false information to any telephone carriers for the purpose of obtaining a priority, shall be subject to closure, removal or other appropriate governmental action.

Subject to such further order as the Board may deem appropriate.

SUPPLEMENTARY GAS RATIONS

Applicants for additional rations of gasoline are urged to arm themselves with the necessary facts about their driving requirements before asking their Local Rationing Boards for supplemental cards.

Not only must the applicant sign his statement of fact, but, if he is an employee and the supplemental ration is needed to carry on his work he must also present the affidavit or affirmation of his employer, or an authorized representative of his employer.

Under the gasoline rationing regulations, the board is authorized to grant supplemental rations only if it finds that they are "essential to life or to the pursuit of a gainful occupation and that no reasonably adequate alternative means of transportation are available". The board in granting a supplemental ration will issue a B card "tailored" to provide for the amount of the ration.

The applicant must state why his present ration is insufficient. He must support this reason with facts. Next, the applicant must state what means of public transportation are available to him.

Other questions ask the applicant to state what vehicles owned by members of his family, or by friends or business associates are available to his use, and to specify what effort has been made to "double-up" with other car owners.

Generally speaking workers in the broadcasting industry should experience no difficulty in getting B cards entitling them to gasoline for occupational driving based on their requirements up to 470 miles a month, including the gas provided under the A card.

Under Section 1394.506 (k) (2) of the Gasoline Rationing Regulations, workers in the radio broadcasting industry including executives, technicians or office workers, but not including salesmen, are eligible to apply for preferred mileage (C cards). Again, they must show the need and that no reasonably adequate alternative means of transportation are available.

SELECTIVE SERVICE

Stations desiring further deferments on men classified II-A or II-B should renew deferment requests on such registrants one month before the present deferment period elapses. Otherwise the registrant will be classified I-A and no notice will be sent to the station.

TEN PER CENT WAR BOND CAMPAIGN

The Treasury Department announces an intensive campaign to be gotten under way November 15 and to continue to January 1, to secure universal 10 per cent pay roll participation in bond purchases by salaried personnel in all branches of industry.

Under the slogan, "Top that 10% By New Years!" the campaign will be conducted on a broad front. The cooperation of radio stations is earnestly solicited by Secretary Morgenthau. While he expressed his deep and personal gratification for the splendid manner in which broadcasters have already contributed to the success of the war bond campaign, Secretary Morgenthau has urged

voluntary 10 per cent payroll plans in each radio station and a campaign on the part of the stations to encourage every type and kind of commercial enterprise and industry to do likewise. This campaign is consistent with the resolution adopted by the NAB Board of Directors at its September meeting. The resolution follows:

WHEREAS, the successful prosecution of the war depends upon adequate financing, and

WHEREAS, the Treasury Department is seeking through the sale of war bonds to secure revenue to the extent of \$12,000,000,000 annually from the people of the United States, and

WHEREAS, the investment in war bonds accomplishes the two-fold result of helping to finance the war and to curb inflation,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the National Association of Broadcasters that we heartily recommend to the broadcasting industry the continued whole-hearted support of this war bond campaign and further recommend to station managements the desirability of immediately inaugurating among their own station personnel a campaign to secure the voluntary purchase of bonds to the extent of ten per cent of the annual salary of each employee.

MAIL CIRCULATION SPOTS

Six suggested announcements to explain to listeners the necessity for taking their radios to the serviceman instead of asking him to call were mailed to all stations this week. One announcement per day on all stations, on a rotating time schedule, was suggested until further notice.

District Meetings

DISTRICT 4

District Director G. Richard Sharto, WIS, called the opening session of the two-day meeting of the Fourth District of NAB to order in the Carolina Hotel in Pinehurst, N. C., with 81 broadcasters, government and industry representatives present. The meeting was held on Friday and Saturday, October 23-24, 1942.

At a dinner for the broadcasters and their guests on the evening of the first day, Governor J. Melville Broughton of North Carolina paid a tribute to the achievements of broadcasting, emphasized the responsibilities of the medium in the united war effort and spoke glowingly of the future of radio after the war. He pointed out that North Carolina refused to ratify the original constitution until the first ten amendments—the so-called "Bill of Rights"—had been prepared and added. He credited this renowned "Bill of Rights" as the legal basis for the development of a free American system of broadcasting.

The Retail Promotion Committee Plan was presented on Saturday morning and unanimously endorsed by formal resolution of the Fourth District.

A resolution heartily approving the policy and activity of the NAB in its efforts to remove the "unfair, undemocratic and un-American Petrillo ban on recorded music" was unanimously approved. NAB was urged to continue an all-out effort to bring about a satisfactory solution of the music problem.

Representatives of many of the principal government war agencies were on the program. Carl Haverlin, Headquarters Consultant for Industry Relations OWI; Eugene Carr, Assistant to the Radio Censor, Office of Censorship; Frank McIntosh, Chief, Radio and Radar Section, WPB; Marvin Beers of OCD; M. A. Milman, of the Radio and Press Section of the Treasury Department, each discussed

problems of mutual concern to their agencies and broadcasters:

Those in attendance were: Philip P. Allen, WLVA; Campbell Arnoux, WTAR; L. H. Avery, NAB; Bryce P. Beard, WSTP; Marvin Beers, OCD; William C. Bourne, OWI; William Bowry, WMBG; Robert E. Bradham, WTMA; Harry G. Bright, WGBR; Walter Brown, WSPA; Ollie L. Carpenter, WPTF; Eugene Carr, Office of Censorship; Madeline Chase, OCD; Howard L. Chernoff, WCHS-WPAR-WSAZ-WBLK; Mrs. Gertrude Clinton, U. S. Employment Service; Charles H. Crutchfield, WBT; Roland D. Cuddy, WBTM; Major Richard E. Daley; Clay B. Daniel, WSJS; B. H. Darrow, OCD; John H. Dodge, WRC; Don S. Elias, WWNC; Mrs. Don S. Elias, WWNC; Harold Essex, WSJS; Jack Field, WPTF; Fred Fletcher, WRAL; Elmer D. Free, OCD; R. Sanford Guyer, WBTM; Milton N. Gwaltney, WPID; Ralph S. Hatcher, WTAR; Carl Haverlin, OWI-BMI; Harold Hayes, OWI; Sheldon B. Hickox, Jr., NBC; Charles G. Hicks, WSOC; Francis M. Hipp, WIS; Ruffin Horne, WFNC; Mrs. C. C. Hudson, WBIG; Nancy Hudson, WBIG; B. Walter Huffington, WPID; Henry Hulick, WPTF; E. Z. Jones, WBBB; Ray P. Jordan, WDBJ; A. E. Josecelyn, WBT.

Herbert Kendrick, WJLS; Stanton Kettler, WMMN; John W. Kirkpatrick, WSPA; Lt. George Kirksey; C. O. Langlois, Lang-Worth; Capt. Gleason B. Lee, Manpower Branch, Service and Supply; George Ludlam, OCD; Richard H. Mason, WPTF; Ezra McIntosh, WWNC; Neville Miller, NAB; M. A. Milman, U. S. Treasury Department; R. E. Mitchell, WMBG; James H. Moore, WSLS; Paul Moyle, WFNC; John W. New, WTAR; Charles Parker, OCD; F. F. Patterson, WSTP; Royal E. Penny, WBT; I. E. Pittle, ASCAP; Graham B. Poyner, WPTF; Ray Reeve, WRAL; Edney Ridge, WBIG; J. D. Saumenig, WIS; William A. Schudt, Jr., CBS; G. Richard Shafto, WIS; Mrs. G. Richard Shafto, WIS; Alex Sherwood, Standard Radio; Carleton Smith, WRC; George W. Smith, WWVA; John E. Thayer, WWNC; Harold H. Thoms, WAYS; Jack Treacy, NBC; George W. Walker, WAIR; Roland Weeks, WSCS; Jacob F. Weintz, Tide Magazine; A. D. Willard, WJSV; and T. Doug Youngblood, WFIG.

DISTRICT 5 (FLORIDA)

The two-day meeting of the Florida section of the Fifth District of NAB was held on Sunday and Monday, October 25-26, 1942, at the George Washington Hotel in Jacksonville, Florida. District Director Frank M. King, WMBR, presided. Forty representatives of the Florida stations and a number of government department representatives attended.

The report of the war work of NAB was made by C. E. Arney, Jr., who replaced President Neville Miller, when the latter was called back to Washington for an important conference with government officials.

A formal resolution endorsing the Retail Promotion Committee plan was unanimously adopted.

A resolution heartily approving the policy and activity of the NAB in their efforts to remove the Petrillo ban on recorded music was likewise unanimously approved. NAB was urged to continue its all-out effort to bring about a proper solution of the recorded music problem.

Representatives of many of the principal government war agencies were on the program. Carl Haverlin, Headquarters Consultant for Industry Relations OWI; Eugene Carr, Assistant to the Radio Censor, Office of Censorship; Frank McIntosh, Chief, Radio and Radar Section, WPB; Marvin Beers of OCD; M. A. Milman, of the Radio and Press Section of the Treasury Department; each outlined problems of mutual concern to their agencies and broadcasters.

Those in attendance were:

J. H. Keachic and Stanley W. Goulden, RCA; W. Walter Tison, WFLA; Arthur H. Beckwith, AMP; Marvin Cox, OWI; Willett Kempton, OWI; Francis Wagner, NAS; Fred H. Ford, WWPG; Alex Campbell, Jr., WKAT; L. S. Mitchell, WDAE; Andrew W. Bennett; Bey Welling,

WTOC; Harry E. Cummings, WJAX; Arch Robb, WIOD; J. Leonard Reinsch, WSB-WIOD; William N. Greer, WFTL; Tom Gilchrist, WTMC; Gilbert Freeman, WTAL; John B. Browning, WSPB; W. C. McBride, WDBO; K. S. Skelton, WDAE; Frank Taylor, Jr., WPDQ; Glenn Marshall, Jr., WMBR-WFOY; Charles Stone, WMBR; Tom Case, WSAV; Mark Johnson, WSAV; Robert R. Feagin, WPDQ; Lewis H. Avery, NAB; Charles S. Davis, WWPG; Morton A. Milman, U. S. Treasury Department; Jack Treacy, NBC Recording; C. E. Arney, Jr., NAB; Thad Holt, WAPI; Carl Haverlin, OWI-BMI; Frank King, WMBR; C. O. Langlois, Lang-Worth; Mrs. Boote, WJAX; John Hopkins, III, WJAX; Mr. Jameson, Manpower Commission; and William Bennett, OWI.

DISTRICT 5 (GEORGIA AND ALABAMA)

A two-day meeting of the Georgia-Alabama section of the Fifth NAB District opened at Atlanta on Wednesday. District Director Frank M. King, WMBR, presided. Sixty-five broadcasters, government and industry representatives registered for the sessions.

NAB President Neville Miller described the war activities of NAB. He was followed by representatives of several government departments and war agencies charged with the various phases of the war effort. These representatives reviewed the relations of their activities with problems of broadcasting.

President Miller reported in detail on the policy and activity of the Association with respect to the AFM-Petrillo matter. Following this presentation the broadcasters voted unanimous approval of the NAB stand.

The session is continuing today (Thursday) with the sales managers session, presided over by John M. Outler, Jr., WSB, Fifth District sales managers chairman and also Chairman of the NAB Sales Managers Executive Committee. Lewis H. Avery, NAB Director of Broadcast Advertising, will present a report of the many activities of his department in behalf of more and better radio advertising. He will also outline the Retail Promotion Committee's plan, mentioned elsewhere in this issue of the REPORTS.

Following is the attendance at the Atlanta meeting:

Frank M. King, WMBR; James W. Woodruff, Jr., WATL-WRBL-WGPC; Thad Holt, WAPI; Ed Norton, WAPI; Leonard Reinsch, John M. Outler, Jr., Lorin Myers, Mary Caldwell, Alwilda Lindsay, Marcus Bartlett, Beth Barnes, Charles McClure and Add Penfield, WSB; Don Ioset, T. O. McCullough, Maurice Coleman, Joe Robkin, Crenshaw Monner and Ford Stoner, WAGA; Zenas Sears, WATL; J. A. Davenport, Dan Hornsby and Bill Jones, WATL; John Fulton and Frank Gaither, WGST; R. O. Van Duzer, WALB; E. K. Cargill and Wilton Cobb, WMAZ; Charles Pittman, WBML; Alfred Lowe, WBML; John Hogan, WBML; W. R. Ringston, WRDW; J. B. Fugua, WGAC; Charles Smithgall, Jr., WGGA; W. S. Massie, WRBL; Bill Covington, and Jack Hughes, WCOV; Henry P. Johnson, WSGN; John Connolly and K. G. Marshall, WBRC; Harbin Daniel, WSAV; Weldon Herrin, WTOC; Henry East, WGPC; Hugh M. Smith, WAML; H. Wimpy, WPAX; B. M. Adams, NBC; S. W. Goulden and J. H. Keachie, RCA; Neville Miller and Lew Avery, NAB; I. T. Cohen, ASCAP; and Jack Treacy, NBC-Recording.

Lorin L. Watson, Spot Sales Inc.; C. O. Langlois, Lang-Worth; Gregg Murphy, Headley-Reed Co.; Fred Bell, Katz Agency; Charlie Coleman, Katz Agency; Lt. Harold A. Tyler, Corp. Andrew C. Petty and J. E. Pool, Army Public Relations; Willett Kempton, Regional OWI; Irving Beiman, OWI Alabama; Eugene Carr, Office of Censorship; Madelinn Chase, Regional Director OCD-Radio; A. H. Beckwith, Associated Music Publishers, Inc.

DISTRICTS 6, 12, 13 MEET

Immediately ahead of President Miller, Lew Avery and the others who are going along on the District Meeting tour are the 6th District meeting at Nashville, Friday and Saturday, October 30-31, the 12th District meeting at

Tulsa, Monday and Tuesday, November 2-3, and the 13th District meeting at Dallas on Wednesday and Thursday, November 4-5. District Directors Wooten (6), Way (12) and Tips (13) have invited all stations to be well represented.

A large attendance is anticipated at these meetings, as at those which have been already held. From Dallas the traveling party will proceed to Ogden, Utah, for the 14th District meeting, and thence on to the Pacific Coast for three meetings in that area. Complete announcements will be given in future issues of the "Reports."

PEABODY AWARDS

Five new appointments to the Advisory Board for the George Foster Peabody Radio Awards are announced by Dr. S. V. Sanford, Chancellor of the University System of Georgia and ex-officio member of the Board, as follows:

Dr. Ralph Casey, Director, School of Journalism, University of Minnesota; Joseph Henry Jackson, Literary Editor, San Francisco (Cal.) Chronicle; Mrs. Beatrice Sawyer Rossell, Director of Educational Service, The Quarrie Corporation, Chicago, Illinois; Dr. I. Keith Tyler, Director of Evaluation of School Broadcasts, Ohio State University, Columbus, Ohio; and Earl J. Glade, Chairman, NAB Code Compliance Committee, Salt Lake City.

The Peabody Radio Awards, comparable to the Pulitzer prizes in journalism, are administered jointly by the Henry W. Grady School of Journalism, The University of Georgia, and the National Association of Broadcasters. The Advisory Board, created by the regents of the University System of Georgia, is a self-perpetuating group which makes final selections for the Peabody Awards after receiving a preliminary report from a faculty committee picked by the Grady School.

Other members of the Board, whose terms continue for a year or more are: Bruce Barton, President, Batten, Barton, Durstine, and Osborne, Advertising, New York City; John H. Benson, President, American Association of Advertising Agencies, New York City; Jonathan Daniels, Editor, Raleigh (N. C.) News and Observer; Mark Ethridge, Vice President and General Manager, Louisville (Ky.) Courier-Journal and Times; Waldemar Kaempffert, Science Editor, New York Times; Alfred A. Knopf, Publisher, New York City; Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody whose name the awards bear; President, "Yaddo"; and Edward Weeks, Editor, Atlantic Monthly, Boston, Massachusetts.

Meritorious public service by individual radio stations, regional and local, will this year be recognized in the George Foster Peabody radio awards.

December 15 has been set as the closing date for this year's entries. Proper forms may be secured from either the NAB offices in Washington or from Dean John E. Drewry of the Grady School. Forms have been mailed to all radio stations. Additional forms are available at the NAB.

Last year the Peabody awards went primarily to programs. The year before stations and networks were recognized. For 1942 both programs and stations are to be eligible.

The Peabody awards, as originally set up, were designed to recognize the most disinterested and meritorious public service rendered each year by the broadcasting industry, and to "perpetuate the memory of George Foster Peabody, benefactor and life trustee of the University of Georgia, and friend of educational progress everywhere."

This original purpose will be borne in mind in this year's selections, but an effort will be made to narrow the bases of measurement both in terms of stations and programs.

Awards will be made in at least six categories: 1. That program or series of programs inaugurated and broadcast during 1942 by a regional station which made an outstanding contribution to the welfare of the community the station serves. 2. That program or series of programs inaugurated and broadcast during 1942 by a local station which made an outstanding contribution to the welfare of the community the station serves. 3. Outstanding reporting of the news. 4. Outstanding entertainment in drama. 5. Outstanding entertainment in music. 6. Outstanding educational program.

The awards under reporting, drama, music and education may go to either a station or a network program.

Each entry may be accompanied by one transcription. If more are necessary to give the board members a fair understanding of the entry, special arrangements can be made. In previous years, the board has been inundated with exhibits, recordings, and other display material, much of which was quite costly and unnecessary. This year the board member would like to have the entries in a more compact and more readily handled form.

Entries may be submitted by individual stations, networks, radio editors of newspapers and magazines, listener groups, or any person or organization wishing to direct the attention of the Peabody board to a special program or programs. The board in its selections will not necessarily be restricted to entries, but may on its own initiative select a program or a station for an award. The board also reserves the right to make more or less than six awards, depending upon the entries and the circumstances at the time of the awards.

PER INQUIRY—FREE TIME

M. B. Waterman & Co., Chicago, Ill., is seeking per-inquiry business for a client on a hand-carved reproduction crucifix.

The Dixie Music Publishing Company, 1674 Broadway, New York City, is attempting to secure P-I deals for their series of song books, "Roundup of Song Hits."

The United Advertising Companies, Chicago, is still soliciting P-I business, this time for a Christmas card maker.

The United Broadcasting Company, Chicago, offers to sell a publication called "The Black Book of Poland" on a per-inquiry basis.

Free publicity is being sought by Batten, Barton, Durstine & Osborn Advertising Agency in behalf of Eatmor Cranberries; by the J. Walter Thompson Company for the New York Dress Institute; by the William R. Harshe Co., Chicago, for the game, "Battle Checkers," and by the Window Shade Institute, New York City, which, taking advantage of conditions resulting from the war, claims that the use of their cloth window shades will aid the government in fuel conservation efforts.

The definite increase in the number of these per-inquiry and free-time deals is cause for alarm. It would seem to indicate that too many broadcasters are accepting this copy, else agencies and advertisers would not continue to send it out.

The Sales Managers Division of the NAB has done everything possible to discourage this type of practice. In nearly every instance where stations have returned a P-I offer with the statement that such business is not acceptable and have quoted the agency card rates for the business, a contract at standard rates has been forthcoming. This practice can be stopped only by the united action of the industry in refusing to accept P-I deals or in carrying an undue amount of free advertising with the hope that it may produce some future business.

Stations are urged to continue to send information regarding all such deals to NAB.

FEDERAL COMMUNICATIONS COMMISSION

COOPERATION PROGRAMS

The following letters are in reply to a request by the FCC that CBS and NBC state the facts relevant to its refusal to carry the program "Let's Get Together, Neighbor;" of the Cooperative League of the United States of America:

"COLUMBIA BROADCASTING SYSTEM, INC.
485 Madison Avenue
New York City

October 20, 1942.

Executive Offices
Paul W. Kesten
Vice President
and General Manager

T. J. Slowie, Secretary
Federal Communications Commission
Washington, D. C.

DEAR SIR:

This will acknowledge receipt of your letter of October 14, 1942 with respect to the Cooperative League of the U. S. A. We appreciate your interest in this matter and the opportunity to present complete information on the reason which prompted us to decline to sell time to the Cooperative League of the U. S. A.

The Columbia Broadcasting System has for years sold time only for the purpose of advertising the goods or services of the sponsor (except to a political party during the actual campaign for the election of candidates). We have steadfastly declined to sell time for purposes of propaganda on one side or another of any controversial issue. The programs proposed by the Cooperative League did not offer for sale to the listener either the goods or services of the advertiser, and thus lay outside the field within which we sell our facilities. Moreover, the offered programs were clearly controversial in nature, being designed to promote a fundamental change in the present system of marketing and distribution of goods and services whereby cooperative associations would largely supplant retail stores and other common distribution establishments (see our statement on this subject of October 7, 1942 which is attached).

In August of this year, Mr. Wallace Campbell, Assistant Secretary of the Cooperative League, requested general information with respect to the mechanics of radio broadcasting and the purchasing of radio time. This information was furnished to him. Mr. Campbell did not request information with respect to the availability of any of our stations or disclose what programs he was considering.

In the early part of September, Atherton & Currier, Inc., a New York advertising agency, requested information with respect to the availability of time for broadcasts sponsored by the Cooperative League over stations WCCO and WJSV. As is our custom, we advised Atherton & Currier that we would want an opportunity to examine a copy of the proposed program material before accepting an order for broadcasts on behalf of the Cooperative League. On September 22, 1942, Atherton & Currier forwarded a copy of the script which they proposed to use for the first League broadcast. A copy of Atherton & Currier's letter of September 22, 1942, together with a copy of the script referred to therein, is enclosed.

After a careful consideration of such information as we could obtain with respect to the Cooperative League, and after an examination of the script, we came to the conclusion that in view of our long established policy not to sell time for programs devoted to public controversial issues, we could not accept an order for the Cooperative

League's broadcasts. We so advised Atherton & Currier on or about September 24, 1942.

Our policy of refraining from selling time for the discussion of public controversial issues is well known by users of radio and was incorporated in the Code of the National Association of Broadcasters at its annual convention in 1939. For your information, we are enclosing an excerpt setting forth the provision of the NAB Code, together with excerpts from various prior statements on our part of that policy. This policy has, naturally, closed the door to large revenues for us. As Mr. Paley testified before the Interstate Commerce Committee of the Senate in June, 1941, we could have made tremendous sales of time to people who wanted to fight Congressional legislation such as the Public Utility Holding Company Act of 1935, and we have lost \$9,000,000 in revenue because of our standards and policies.

So that you may have the benefit of some of the documentary evidence which led us to the conclusion that the Cooperative League is essentially an organization devoted to publicizing and promoting cooperatives as such and to advocating a change in our economic structure, we are enclosing various excerpts from the *New York Times*, together with excerpts from literature of the Cooperative League.

Although as stated in our release of October 7, 1942, we felt that our long established policy, as well as the NAB Code, prohibited acceptance by us of the Cooperative League's broadcasts, we naturally would accept a program sponsored by a cooperative engaged in the sale of goods which advertised the goods offered for sale. As a matter of fact, Station WCCO has in the past, carried several commercial series sponsored by the Land of Lakes Cooperative for the advertising of its butter, cheese and poultry products.

Although the point is a minor one, even if broadcasts sponsored by the Cooperative League were acceptable to us in view of our policies, we could not accept the programs as proposed since the entire content would have to be counted as commercial and, as you know, we have definite limitations on the amount of commercial copy which may be broadcast in connection with any sponsored program.

Sincerely,

(S) PAUL W. KESTON."

October 22, 1942.

Honorable T. J. Slowie, Secretary,
Federal Communications Commission,
Washington, D. C.

DEAR MR. SLOWIE:

This is in reply to your letter of October 14th, asking for information concerning the refusal of the National Broadcasting Company to sell time to The Cooperative League of the U. S. A. for the broadcasting of a program entitled "Let's Get Together Neighbor." Briefly, the facts are as follows:

The representatives of The Cooperative League of the U. S. A. approached NBC in an endeavor to purchase time over stations WTAM, Cleveland and KDKA, Pittsburgh only, and not over the NBC network. NBC is the operator of WTAM, and acts as national spot sales representative for the licensee of KDKA. The programs were to be rendered by means of electrical transcriptions.

We were advised by the League that it is "a nonprofit, nonpolitical membership organization established in 1916 and is chartered under the laws of the State of New York. It is the national federation of consumer cooperatives comprised of twenty regional and national associations with one and one-half million family patron members in 46 states. . . . The league is financed by dues of seven and one-half cents per year for each individual member of associated organizations. Special activities like radio are financed by additional contributions of members and member associations. Our bank is Amalgamated Bank New York. National offices are maintained in Chicago, New York and Washington. Purpose of league is to coordinate national activities and to promote additional business and membership in existing co-ops and to en-

courage the organization of neighbors to help themselves through cooperatives."

When the League approached us, the program for which they proposed to buy time was obviously designed not only to sell the cooperative movement generally, but to obtain additional members for its member cooperatives. In our opinion, the script for the first broadcast violated NBC program policies in many respects and would not have been acceptable to us for broadcasting in the form in which we received it. The particular NBC program policies which seemed to us to have been violated by the script are as follows:

"Statements which tend to undermine an industry by attributing to its products generally faults and weaknesses true only of a few, and statements which are derogatory to an individual, an institution, a group or an industry must be avoided.

"Commercial programs shall not refer to any competitor, or his products, directly or indirectly.

"Statements of prices and values must be confined to specific facts. Misleading price claims or misleading comparisons tend to challenge the integrity of all advertising and must not be used."

Assuming, however, that the script might have been rewritten to comply with the above policies, still the primary purpose of the program, from the League's advice to us, was to acquire additional members for the consumer cooperatives which are members of the League. NBC has had a very long established policy which prohibits the acceptance on a commercial broadcast basis of any planned campaign that solicits or promotes membership drives. Under that policy we would not sell time for membership drives on behalf of any organizations. The counterpart of this policy is another NBC policy under which we do not sell time to promote the purchase of specific stocks, bonds, properties, etc.

Furthermore, so far as the proposed program purported to further the "cooperative movement," as opposed to other methods of distribution followed in the United States today, it was controversial in nature. NBC has long had a policy of not selling time for the broadcasting of controversial issues, except in the case of political broadcasts during campaign periods. This policy is the rule of the broadcasting industry.

In light of these obvious violations of NBC program policies, we had no alternative but to refuse the business as applied to WTAM. Under instructions from the licensee of KDKA, which advised us that the program likewise violated similar policies of that station, we declined to sell time for the program over KDKA as well.

At the time the program was turned down, we made clear to the League that we had no policy against selling time to them, or their members, subject to our policies, for the purpose of selling products or the services of particular cooperative stores. The fact of the matter is that we have often sold time to various cooperatives for the purpose of selling their various products.

Furthermore, I believe it will interest you to know that in balancing our program content, we have from time to time made sustaining time available to the proponents of the various phases of the cooperative movement, during which they discussed the merits and methods of functioning of cooperatives. In fact, we have given sustaining network time to The Cooperative League of the U. S. A. itself.

It is interesting to note that the NBC policies and those of the industry against selling time for membership campaigns and for the broadcasting of controversial subjects have stood the test of time.

On the subject of controversial issues, I quote the following from the Code of the National Association of Broadcasters:

"Time for the presentation of controversial issues shall not be sold, except for political broadcasts. There are three fundamental reasons for this refusal to sell time for public discussions and, in its stead, providing time for it without charge. First, it is a public duty of broadcasters to bring such discussion to the radio audience regardless of the willingness of others to pay for it. Second, should time be sold for the discussion of controversial issues, it would have to be sold, in fairness, to all with the ability and desire to buy at any given time. Consequently, all possibility of regu-

lating the amount of discussion on the air in proportion to other elements of properly balanced programming or of allotting the available periods with due regard to listener interest in the topics to be discussed would be surrendered. Third, and by far the most important, should time be sold for the discussion of controversial public issues and for the propagation of the views of individuals or groups, a powerful public forum would inevitably gravitate almost wholly into the hands of those with the greater means to buy it."

The second and third points made by the NAB Code apply equally to programs dealing with controversial issues and those designed to promote the sale of memberships.

Cordially yours,

(S) NILES TRAMMELL.

In this connection, Representative Gehrman (Prog.-Wis.) introduced the following resolution in the House (H. Res. 564):

Whereas the Cooperative League of the United States of America has reported in a resolution formally adopted at the Thirteenth Biennial Congress of the league that the National Broadcasting Company and the Columbia Broadcasting System had unfairly and unjustly discriminated against the league by denying the league the opportunity to purchase radio time; and

Whereas this report of the Cooperative League of the United States of America raises a very vital question as to the necessity for amendments to the Communications Act of 1934: Now, therefore, be it

Resolved, That the Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, is authorized and directed to obtain such facts as the Cooperative League of the United States of America, the broadcasting companies, the Federal Communications Commission, the Department of Justice, and other Government agencies and other groups or persons may have bearing on the accuracy of the charges of discrimination against cooperatives and others by the major broadcasting companies in the sale of their radio time; and on the question whether the Federal Communications Act of 1934 should be further amended to authorize the Federal Communications Commission to prevent such discrimination, or should be otherwise amended to deal with the problem of granting further authority to the said Commission by restricting or affecting the power of said broadcasting companies. The said committee or duly authorized subcommittee is authorized and directed to secure the assistance of other Government agencies in the investigation hereby authorized and to report to the House the facts ascertained in the course of the investigation and the recommendations therein.

For the purposes of this resolution, the committee or any duly authorized subcommittee thereof is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the House, to require by subpoena or otherwise the attendance of such witnesses and the production and impounding of books, papers, and documents, to administer oaths, and to take such testimony as it deems advisable.

BRIDGES COMPLAINS

Senator Bridges, of New Hampshire, has sent a telegram to members of the FCC complaining about broadcasts on Station WMUR at Manchester, New Hampshire. In his wire the Senator stated:

The radio voice of New Hampshire Inc. with a principal place of business at Manchester, New Hampshire, operating Radio Station WMUR, whose principal stockholder and director at the time of incorporation and presumably still is Francis P. Murphy of Nashua, New Hampshire, a candidate for election to the United States Senate, broadcasts daily in supposedly news broadcasts political statements wholly designed to promote the candidacy of Mr. Murphy and to discredit other candidates. These broadcasts are not confined to an impartial broadcast

of the news as announced. Furthermore, people over this station in the interests of Mr. Murphy's candidacy have been guilty of making numerous slanderous statements tending to degrade other candidates for political office. Freedom of speech is being daily transgressed by these grossly false utterances obviously intended to wilfully, wantonly and maliciously misinform and misguide the citizens of New Hampshire by this false propaganda. I demand in the interests of common decency for the people of New Hampshire an immediate full and complete investigation of all broadcasts issuing from this radio station and that proper steps be taken at once by the Commission to stop this false and malicious propaganda and that the Commission use its power of suspension or withdrawal of license if necessary.

October 27, 1942.

Senator H. Styles Bridges
Concord, New Hampshire

With reference to your complaint relating to Station WMUR, Commission is calling for a full statement from the station with respect to this matter and in addition is sending a representative to New Hampshire who will get in touch with you upon his arrival in Concord tomorrow.

JAMES LAWRENCE FLY,
Chairman.

October 27, 1942.

Radio Voice of New Hampshire, Inc.
Manchester, New Hampshire

Commission has received a complaint from Senator Bridges with respect to certain of your broadcasts in connection with the present senatorial campaign. A copy of Senator Bridges' complaint is being forwarded to you tonight by airmail. Please furnish the Commission with a full statement with respect to this matter. Also please have a responsible officer available to discuss this matter with Commission's representative who is leaving here tonight for Manchester.

T. J. SLOWIE,
Secretary.

CRD/to

CHAIRMAN FLY'S PRESS CONFERENCE

It is probable that the FCC will take some action this week regarding wartime operation of broadcast stations, James Lawrence Fly, Chairman, told a press conference early this week. When asked if he thought it would be coming along soon the Chairman said:

"I would guess so. I think I ought to stress again that whatever is done there will not result in any lessening of the coverage of radio stations due to change in the various rules in the operation of the equipment. We will have the same effective output and same coverage we have had heretofore. You see, some of the rules which we have had regulating the equipment have necessarily been very strict, and we have got to a point now where by changing those rules and the consequent change in method of operation we can get a more effective output so I think we can increase the life of the equipment materially without effecting coverage at all."

Mr. Fly told the newsmen when asked about the Cooperative League situation that he doubted if the Commission can take any further steps in the present state of affairs. The Commission, he pointed out, "has no means of requiring the broadcaster to take any program regardless of its merit."

The FCC, Mr. Fly said, has cooperated with the OWI and CAA in regard to the whole matter of international broadcasting with facilities available for that broadcasting. In connection with a question as to whether or not the Commission would enter into the leasing of shortwave facilities from the networks and other owners by OWI, Mr. Fly said:

"We have been aware in general of the plans to control the facilities; also because of the problem of additional facilities, I would suppose that the contract would come before the Commission formally in view of the fact that it involves a new type of operation other than that which is covered by the existing license. In other words, it is a change in the license arrangements."

The Chairman told the newspapermen at the conference that he was sure that the Commission is sympathetic with the plans for the 22 new shortwave outlets for international broadcasting and he expressed the opinion that they should have a high order of priority. Mr. Fly, talking further on this subject said:

"At the same time I don't think any of us can say whether a given number of transmitters—whether some or all of them can be placed ahead of other very essential requirements. The requirements for transmitting facilities are very heavy and I might say very serious from a military point of view. The question for those who control the disposition of whatever amount of materials we have on hand, will be wherever those materials do the most war purpose. Now I can't form that judgment from where I sit, and I don't want to be taken as saying therefore that the order for these transmitters must go ahead of the orders for the transmitters to be used directly in the military service. That is a grave problem and it has to be appraised on the whole and on the light of one predominant requirement, that of winning the war."

BWC ORDER

The Board of War Communications has issued Order No. 23 authorizing the War Department to use, control, supervise, inspect or close facilities for wire or radio communications in Puerto Rico.

The Board's order is as follows:

WHEREAS, The Board of War Communications has determined that the National security and defense and the successful conduct of the war demand that all non-military stations and facilities for radio or wire communication in Puerto Rico shall be subject to use, control, supervision, inspection or closure by the Department of War;

NOW, THEREFORE, By virtue of the authority vested in the Board of War Communications by Executive Orders No. 8546, 8964 and 9089 of September 24, 1940, December 10, 1941, and March 6, 1942, respectively:

IT IS HEREBY ORDERED, That all non-military stations and facilities for radio or wire communication in Puerto Rico shall be subject to such use, control, supervision, inspection or closure by the Department of War in accordance with the terms of the said Executive Orders as the Secretary of War may deem necessary for the national security and defense and the successful conduct of the war;

PROVIDED, HOWEVER, That nothing herein shall apply to facilities controlled by the Department of Navy under Order No. 2 of the Board.

Subject to such further order as the Board may deem appropriate.

FCC APPOINTS DAVID

The FCC announced the appointment of Nathan H. David of Boston, as Assistant General Counsel in charge of the War Problems Division which he has headed since February of this year when he returned to the FCC after a sojourn with the Coordinator of Information as Radio Liaison Officer (From September 1941 to February 1942).

Mr. David was graduated from Yale University in 1934 and from Harvard Law School three years later. He served two years on the Board of the Harvard Law Review, the second being spent as Case Editor.

From 1937 to October 1939 Mr. David was associated with the Boston law firm of Burns & Brandon. He was

first on the staff of the FCC as Assistant to the Chairman from October, 1939 to September, 1941.

The Commission also appointed Harry M. Plotkin as Chief of the Litigation and Administration Division and Donald M. Harris as Principal Attorney. Mr. Harris fills the vacancy created by the recent promotion of Rosel Hyde to Assistant General Counsel.

Mr. Plotkin was born in Athol, Mass., on May 18, 1913. He attended Harvard College where he received his A.B. Degree in 1934, and Harvard Law School where he received his LL.B. Degree in 1937. Upon graduation he engaged in law practice in Chicago for two and one-half years. He joined the Commission's legal department in January, 1940 as a member of the Litigation and Motions Section. Prior to his appointment today, Mr. Plotkin was Chief of the Litigation and Motion Section.

Donald M. Harris was graduated by Amherst in 1932 and by the Columbia University Law School in 1934. He is a member of the New York bar and was associated with the firm of Carter, Ledyard & Millburn there from 1935 to 1941. He joined the Federal Communications Commission in September, 1941.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, November 2. They are subject to change.

Monday, November 2

- WIOD—Isle of Dreams Broadcasting Corporation, Miami, Fla.—C. P., 610 kc., 5 KW night, 10 KW day, unlimited, DA-night and day.
KXO—Valradio, Inc., El Centro, Calif.—Modification of C. P., 1230 kc., 100 watts, unlimited.

Friday, November 6

- WHEB—R. G. LeTourneau, Transferor The LeTourneau Foundation, Transferee, Portsmouth, N. H.—Transfer of control of WHEB, Inc., 750 kc., 1 KW, limited time—WSB.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- KEYS—Earl C. Dunn and Charles W. Rossi, a partnership, d/b as Nueces Broadcasting Co. (Assignor). Earl C. Dunn, Charles W. Rossi, H. B. Lockhart and E. C. Hughes, a partnership d/b as Nueces Broadcasting Co. (Assignee), Corpus Christi, Texas.—Granted consent to voluntary assignment of license (B3-AL-352) of station KEYS, from Earl C. Dunn and Charles W. Rossi, d/b as Nueces Broadcasting Co., to Earl C. Dunn, Charles W. Rossi, H. B. Lockhart and E. C. Hughes, d/b as Nueces Broadcasting Co., by transferring and assigning to a newly formed partnership consisting of Earl C. Dunn and Charles W. Rossi all assets, etc., of KEYS, for a total amount of \$8,065.26.
WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Approved power of attorney for the affairs of Louis G. Baltimore insofar as it relates to station WBRE, to be handled by Albert C. Baltimore, his brother. The power of attorney will termi-

nate upon release from the Armed Services in which Louis G. Baltimore is now serving.

- KFBG—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted special temporary authority to operate relay broadcast station KFBR with equipment (of 15 watts power) other than that specified in station license, for the period ending midnight November 15, 1942, "to broadcast programs in connection with the new oil field discovery 30 miles northwest of Cheyenne."
W8XAL—The Crosley Corporation.—Granted application (B2-SAIB-6) for extension of special experimental authorization heretofore granted, for the period November 1, 1942, to November 1, 1943, to operate a 1 KW transmitter on frequency 6080 kc., using A0 and A1 emission for identification only, sharing time with station WLWO.

DESIGNATED FOR HEARING

- Carl S. Ashbacker and Grant F. Ashbacker, d/b as Ludington Broadcasting Co., Ludington, Mich., and WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Designated for hearing application for construction permit (B2-P-3406) of Ludington Broadcasting Co., and application of WKBZ, Ashbacker Radio Corp., for modification of license (B2-ML-1106). The Ludington Broadcasting Co. requests authority to construct a new station at Ludington, Mich., using the frequency 1490 kc., 250 watts, unlimited time. This application is contingent upon the granting of the application of WKBZ to change frequency from 1490 to 1450 kc.
Chattahoochee Broadcasting Co., Columbus, Ga.—Designated for hearing application for construction permit (B3-P-3023) for a new station to operate on 1450 kc., 250 watts, unlimited time.

LICENSE RENEWALS

- KGJF—Ben S. McGlashan, Los Angeles, Calif.—Granted renewal of license for the period ending February 1, 1943.
WCRW—Clinton R. White, Chicago, Ill.—Granted renewal of license for the period ending April 1, 1943.
KSEI—Radio Service Corp., Pocatello, Idaho.—Granted renewal of license for the period ending August 1, 1944.
KUAO—KUAO, Inc., Siloam Springs, Ark.—Granted renewal of license for the period ending October 1, 1944.
KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted renewal of license for the period ending October 1, 1944.
WEVD—Debs Memorial Radio Fund, Inc., New York City.—Granted renewal of license for the period ending October 1, 1944, except for auxiliary.

MISCELLANEOUS

- WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Granted modification (B3-MP-1652) of construction permit (B3-P-3355) for extension of completion date to 1-5-43.
WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted modification (B2-MP-1654) of construction permit (B2-P-2913) for extension of completion date to 2-3-43.
WPDQ—Jacksonville Broadcasting Corp., Jacksonville, Fla.—Granted license (B3-L-1721) to cover construction permit (B3-P-3385) which authorized a new station to operate on 1270 kc., 5 KW, unlimited time, DA-night, and for approval of studio site at Gulf Life Bldg., 125 W. Church St., Jacksonville; also authority to determine operating power by direct measurement of antenna power (B3-Z-1456).
WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1457).
WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1453).
WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to make changes in automatic frequency control equipment (B3-P-251).
WHEB—R. G. LeTourneau, Transferor, and the LeTourneau Foundation, Transferee, Portsmouth, N. H.—Denied petition for reconsideration and grant without hearing of the application for transfer of control of WHRB, Inc., Portsmouth, N. H.

TELEVISION APPLICATION

WDSU—WDSU, Inc., New Orleans, La.; WMIS, Natchez Broadcasting Co., Natchez, Miss.; WGRM, P. K. Ewing, Greenwood, Miss.—The Commission on its own motion entered an order continuing the hearing on these cases from November 17 to December 9; and further ordered that said hearing be held in New Orleans, La., to take testimony of witnesses available there, and that at the conclusion thereof said hearing be adjourned to Washington, D. C., for completion. This involves the applications of WDSU, WMIS and WGRM for renewal of licenses, and application of WDSU for construction permit to reinstate construction permit (B3-P-2923) as modified.

KIEM—Eureka Broadcasting Co., Inc., Eureka, Calif.—Denied special Service Authorization to operate with 1 KW at night (B5-SSA-42), and issued modified license for 1 KW operation at night subject to the condition that the RRS interference would not be caused to Canadian Station CJVI, in excess of 4.2 millivolt per meter contour.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Denied petition (Commissioner Payne dissenting) of WFAS to reconsider the Commission's action of May 19, 1942, and grant application for modification of license (Docket 6216). On May 19, 1942, the Commission denied two petitions for reconsideration and grant of the instant application.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Granted motion to accept amendment to application (B2-P-2834) to request change of frequency only, and application removed from hearing docket.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted motion to accept amendment to application (B3-P-3391) for construction permit to request 640 kc., 5 KW, using modified directional antenna at night and using present transmitter and antenna, and removed application from hearing docket.

WMIS—Natchez Broadcasting Co., Natchez, Miss.; WGRM, P. K. Ewing, Greenwood, Miss.—Passed for one week motion to take depositions, etc., in re applications for renewal of licenses of WMIS and WGRM.

KXO—Valradio, Inc., El Centro, Calif.—Granted petition to dismiss without prejudice application for modification of license (B5-ML-1128).

WHAT—Independence Broadcasting Co., Philadelphia, Pa.—Granted petition to dismiss without prejudice application (B2-ML-1129) for modification of license.

WEBR—WEBR, Inc., Buffalo, N. Y.—Granted petition to dismiss without prejudice application (B1-P-3504) for construction permit for booster station at North Tonawanda, N. Y.

APPLICATIONS FILED AT FCC

1230 Kilocycles

KBTM—Jay P. Beard, trading as Regional Broadcasting Co., Jonesboro, Ark.—Modification of license to increase power from 100 watts night, 250 watts daytime to 250 watts day and night.

1450 Kilocycles

KDNT—Harwell V. Shepard, Denton, Texas.—Modification of license to change frequency from 1450 kc. to 1400 kc.

1470 Kilocycles

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Modification of construction permit (B2-P-2637 as modified), which authorized increase in power, change in hours of operation, installation of new transmitter and directional antenna, for extension of completion date from 11-10-42 to 5-10-43.

FM APPLICATION

NEW—Don Lee Broadcasting System, Los Angeles, Calif.—License to cover construction permit (B5-PH-26 as modified), which authorized construction of new high frequency broadcast station, in part in accordance with Commission action of 8-4-42.

W6XYZ—Television Productions, Inc., Los Angeles, Calif.—Modification of construction permit (B5-PVB-33 as modified), which authorized construction of new television broadcast station for change in type of transmitters, change in aural emission from A3 to special, changes in aural antenna system, increase in power from 1 KW to 2 KW for aural and 4 KW for visual and extension of completion date. Amended: to request 1 KW power for aural instead of 2 KW.

MISCELLANEOUS APPLICATION

KSEH—KSTP, Inc., St. Paul, Minn.—License to cover construction permit for new relay broadcast station (B4-PRE-419).

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Capudine Chemical Co., Raleigh, N. C., engaged in the manufacture and sale of a medicinal preparation designated "Hick's Liquid Capudine," is charged in a complaint with false advertising and misrepresentation. (4852)

Chelf Chemical Co., Richmond, Va., engaged in the manufacture and distribution of a medicinal preparation designated variously as "C.C. Compound," "C.C.C.C." and "4 C's," is charged in a complaint with false advertising and misrepresentation. (4850)

Electrovita Sales Company of Ohio, Norwalk, Ohio, sellers and distributors of mineral water designated "Elsaco Mineralized Water," is charged in a complaint with misrepresentation. (4858)

Emerson Drug Co., Baltimore, engaged in the manufacture and sale of a medicinal preparation designated "Bromo-Seltzer," is charged in a complaint with false advertising and misrepresentation. (4854)

Perfect Manufacturing Co., doing business as the So-Lo Works, 3317 Madison Road, Cincinnati, engaged in the manufacture and sale of an adhesive cement designated "So-Luminum," is charged in a complaint with misrepresentation. (4856)

Plaza Luggage & Supply Co., Inc., and Benjamin Goldstein and Abraham Goldstein, doing business as U. S. Luggage & Leather Products Co., 29 West 34th St., New York, engaged in the sale and distribution at retail of luggage, billfolds and kindred merchandise, are charged in a complaint with misrepresentation. (4857)

B. C. Remedy Co., Durham, N. C., engaged in the manufacture and sale of a medicinal preparation designated "BC" and "BC Headache Powders," are charged in a complaint with false advertising and misrepresentation. (4851)

Stanback Company, Ltd., Salisbury, N. C., manufacturers and distributors of a medicinal preparation designated "Stanback Headache Powders" and "Stanback," are charged in a complaint with false advertising. (4855)

Ulrici Medicine Co., Inc., and **Trans-Pac Services, Inc.**, located, respectively, at 233 West 14th St., New York, and 4-20 47th Avenue, Long Island, N. Y., are charged in a complaint with misrepresentation. (4853)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

May Department Stores Co., **Physicians Electric Service Corporation**, and **Soloman E. Mendelsohn**, individually and as an officer of the corporation, all of Los Angeles, have been ordered to cease and desist from misrepresentations concerning a short-wave diathermic device advertised as "Pescor Shortwavatherm." (4683)

Master Herb Co., whose last known address was 215 West 9th St., Los Angeles, has been ordered to cease and desist from disseminating false advertisements concerning the therapeutic value of Chinese herbs. (4748)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Allied Pharmacal Co., Inc., 2108 Payne Ave., Cleveland, Ohio, has entered into a stipulation to cease and desist from certain misrepresentations concerning the medicinal preparations it sells to retail druggists. The corporation conducts its business under the trade names **Eric Laboratories, Inc.**, **Avon Pharmacal Co.**, **Victor Drug Products**, **Mason Pharmacal Co.**, **Mack Pharmacal Co.**, **Dale Drug Products**, and **Murray's**. (3547)

Bathritis Co., 207 Michigan Ave., Chicago, selling a medicinal preparation designated "Bathritis," has stipulated to discontinue representing that the product, when used as directed in the bath, has any therapeutic effect in the treatment of rheumatism, neuralgia or other ailments, or, when used as a liniment, is effective in excess of relieving pain; that it relieves sprains, stiffness and swelling or works toward restoring normal active muscular health; that it is effective in comforting inflamed tissues; that it is effective in dispelling body odors, or that it is a new discovery. (03065)

Commodore Woolen Co., 257 Fourth Ave., New York, distributors of textile fabrics, stipulated that they will cease and desist from the use on tags or labels of the words "Harrison Tweed" as a designation for a textile fabric other than genuine Harris Tweed; and from the use of the word "Harrison" or other word suggesting "Harris," the effect of which may convey the belief that a textile fabric other than Harris Tweed is Harris Tweed. (3549)

Delettrez, Inc., 21-09 Borden Ave., Long Island, N. Y., engaged in selling a cosmetic designated "Liquid Chin Strap," has stipulated to cease and desist from representing that the product will help ward off the appearance of age or greyish surface lines; that it will heighten the arch or sweep of chin lines; that it has a therapeutic effect on the skin or contour thereof or has a physiological effect in excess of a temporary feeling of an astringent at the site of its application; or that its use will result even in the temporary disappearance of crepey skin. (03066)

Geppert Studios, 201 East Locust St., Des Moines, Iowa, entered into a stipulation to cease and desist from representing that the photographic enlargements they sell are given free when actually the prospective recipients are required to pay a consideration for them, and from failing to clearly disclose in their advertising matter that, in order to avoid delay in the delivery of an

alleged "free" enlargement, the customer must assume an expense other than that indicated in the advertising.

The respondents also agree to discontinue the use of such words as "may be withdrawn soon" or the word "special" in connection with an offer so as to imply to prospective purchasers that the offer is of limited duration or is other than that customarily made by the respondents in the usual course of their business.

Martin-Lane Co., Vernon, Tex., selling animal food supplements designated "Crown Minerals and Yeast" and "Crown Range Minerals," has stipulated to cease representing that the products are rich in vitamin A and E; that they will prevent or cure other than secondary anemias or will promote higher hatchability in chickens; be effective in the prevention or cure of coccidiosis; keep down worm infestation; reduce loss of weight in hogs shipped to market; that by feeding Crown Minerals and Yeast a 100-pound gain can be made on an average three-year-old steer with less than 700 pounds of meal and corn and 400 pounds of hay, or that it is capable of causing a 15 percent or larger increase in egg production over that of other good commercial feeds or effecting a 20 percent increase in the production of livable chicks without limiting such comparison to ordinary range feeding or such method of feeding as is nutritionally inadequate. (03064)

Master Vita-Min Laboratories, 224 West Superior St., Chicago, entered into a stipulation to discontinue certain misrepresentations in connection with the sale of medicinal preparations advertised and sold under the names "Dulse-Dene," "Vita-Broth," "Garlo-Min," "Vege-Molen," "Vita-Lax," and "M-7." (3546)

Jack Roseman Co. and **Jasmar Jewelry Co.**, 307 Fifth Ave., New York, entered into a stipulation to cease and desist from certain misrepresentations in connection with the sale of novelty jewelry. They agree to discontinue representing that their jewelry is aovid-proof and to stop the use of the word "guarantee" in connection with the advertising or sale of his merchandise, unless, whenever used, unequivocal disclosure be made of the nature of the guarantee and exactly what is offered by way of security, as, for example, refund of purchase price; and from the use of such word in connection with any offer or agreement which is not a bona fide guarantee. The respondents also agree to discontinue use of the word "manufacturers" to imply that they make the jewelry they sell or that they own and operate or directly control a plant in which such merchandise is manufactured. (3548)

Security Mills, Inc., Knoxville, Tenn., sellers of dry dog food preparations in meal, cubes and kibbled biscuit form under the trade name "Security Dog Food"; and **C. K. Liller**, **W. W. Neal** and **J. L. Battle**, trading as **Liller, Neal & Battle**, Atlanta, Ga., advertising agents of the product on behalf of **Security Mills, Inc.**, have stipulated to cease and desist from representing that **Security Dog Food** will give added health to dogs; that it possesses value in building resistance to infectious or other types of diseases in excess of its ability to furnish food essentials necessary to the maintenance of such resistance as is normal to the healthy animal; that it will increase the size of litters except where rations have been inadequate, or that it will provide a defense against colds, skin diseases, and other ailments except where resistance may be low due to nutritional deficiencies in diet. (03063)

Worcester Textile Co., Inc., Greystone, R. I., has entered into a stipulation to cease and desist from the use of the words "Triple Twist" as a designation for its textile fabrics, the constituent yarns of which do not consist of three distinct strands or plies; and from the use of the word "Triple" or other word connoting a number, in any manner which might convey the belief that the number of strands or plies in the yarn is other than is actually the fact.

Worcester Textile Co., Inc., also agrees that no provision of the stipulation shall be construed as relieving it of the necessity of complying with the requirements of the **Wool Products Labeling Act of 1939** and the rules and regulations issued thereunder. (3550)

FTC CASE DISMISSED

The Federal Trade Commission has dismissed its complaint which had charged **John L. Keenan**, trading as **Franklin Institute**, Rochester, N. Y., with misrepresentation in the sale of correspondence courses. The respondent Keenan died September 25, 1942.

Retail Promotion Campaign

Chairman Paul Morency of the Retail Promotion Committee reports most enthusiastic response to the plan. At the six District meetings thus far held a genuine interest has been evidenced. Many questions have been asked of Lew Avery but no serious objection has yet been presented by any broadcaster. Resolutions unanimously endorsing the project have been adopted at each meeting and a considerable number of pledges have been received.

The following is a list of the signed pledges already in the hands of the Committee:

WATL—Atlanta, Ga.	WOW—Omaha, Nebr.
WBLJ—Dalton, Ga.	WPAR—Parkersburg, W. Va.
WBLK—Clarksburg, W. Va.	WPAX—Thomasville, Ga.
WBML—Macon, Ga.	WPTF—Raleigh, N. C.
WBTM—Danville, Va.	WRBL—Columbus, Ga.
WCBI—Columbus, Miss.	WRDW—Augusta, Ga.
WCHS—Charleston, W. Va.	WREC—Memphis, Tenn.
WCOV—Montgomery, Ala.	WSAZ—Huntington, W. Va.
WDBJ—Roanoke, Va.	WSIX—Nashville, Tenn.
WDOD—Chattanooga, Tenn.	WSJS—Winston-Salem, N. C.
WFIG—Sumter, S. C.	WVLS—Roanoke, Va.
WFOR—Hattiesburg, Miss.	WSM—Nashville, Tenn.
WGGA—Gainesville, Ga.	WSPA—Spartanburg, S. C.
WGPC—Albany, Ga.	WSPD—Toledo, Ohio
WGTC—Greenville, N. C.	WTIC—Hartford, Conn.
WHBQ—Memphis, Tenn.	WTMA—Charleston, S. C.
WHO—Des Moines, Iowa	WTMJ—Milwaukee, Wis.
WHUB—Cookeville, Tenn.	WWNC—Asheville, N. C.
WIS—Columbia, S. C.	KANS—Wichita, Kansas
WJPR—Greenville, Miss.	KATE—Albert Lea, Minn.
WKPT—Kingsport, Tenn.	KFAC—Los Angeles, Calif.
WKZO—Kalamazoo, Mich.	KFEL—Denver, Colo.
WLAC—Nashville, Tenn.	KGHL—Billings, Mont.
WLBK—Bowling Green, Ky.	KRE—Berkeley, Calif.
WLVA—Lynchburg, Va.	KTBS—Shreveport, La.
WMBD—Peoria, Ill.	KTHS—Hot Springs, Ark.
WMBR—Jacksonville, Fla.	KVOO—Tulsa, Okla.
WMC—Memphis, Tenn.	KWKH—Shreveport, La.
WMGA—Moultrie, Ga.	KXRO—Aberdeen, Wash.
WOPI—Bristol, Tenn.	

The following stations have promised their pledges:

WAGA—Atlanta, Ga.	WCOS—Columbia, S. C.
WALB—Albany, Ga.	WJLS—Beckley, W. Va.
WBBB—Burlington, N. C.	WMAZ—Macon, Ga.
WBT—Charlotte, N. C.	WTOC—Savannah, Ga.

The Retail Promotion Committee meets in New York, Friday, November 6, to canvass the situation and develop further plans. A full account will be given in next week's REPORTS.

District Meetings

DISTRICT 6

District Director Hoyt B. Wooten, WREC, called the two-day meeting of the Sixth District of NAB to order Friday morning (October 30) in the audience studio of WSM. To participate in the discussion of "Broadcasting in Wartime", fifty-one broadcasters, government and industry representatives were present.

The revised OWI plan for industry cooperation was presented by Douglas Meservey, Carl Haverlin and K. W. Husted of the OWI Headquarters' staff. Several OWI regional consultants and branch managers were present. Following a discussion of the OWI proposals, Eugene Carr of the Office of Censorship outlined various interpretations of the Code and urged more careful study of its provisions.

At the afternoon meeting, Major J. R. Crittenden, in charge of occupational deferment under Selective Service in the State of Tennessee, discussed various phases of the Selective Service Act and subsequent rulings that relate to broadcasting.

After a discussion of manpower and the problems created by the increasing shortage of technicians and announcers, the meeting listened to an outline of the AFM-Petrillo problem by President Miller and Mr. Haverlin. At the conclusion of this discussion, the meeting unanimously passed a resolution endorsing the NAB stand on this situation.

The second day's meeting was devoted to a discussion of wartime radio advertising. The meeting was presided over by Joe Eggleston, WMC, Sales Managers Chairman for the Sixth District. Lew Avery led a panel discussion of a variety of topics of interest to the commercial men in radio. John M. Outler, Jr., Chairman of the Sales Managers Executive Committee also participated. Unanimous endorsement of the Radio Promotion Plan was voted.

Following is the attendance:

Burt Adams, NBC; E. A. Alburty, WHBQ; Lewis H. Avery, NAB; Claude Barrere, NBC; J. W. Birdwell, WBIR; H. K. Carpenter, WHK; Eugene Carr, Office of Censorship; Madelinn Chace, Regional Director OCD; S. A. Cisler, WGRC; Marvin Cox, Regional Director OWI; Edwin W. Craig, WSM; Jack M. Draughon, WSIX; Louis A. Draughon, WSIX; Winston S. Dustin, WSM; Eunice Eckhoff, OWI; Joe Eggleston, WMC; Elaine Ewing, OWI; Bert Ferguson, WJPR; Albert E. Gibson, WSM; James C. Hanrahan, WMPS; Carl Haverlin, BMI-OWI; K. Wallace Husted, OWI; Ewing Johnson, OWI; Kenneth K. Kellam, KTHS; George A. Kercher, Edward Petry & Co.; M. L. Medley, WHUB; Douglas W. Meservey, OWI; John

(Continued on page 634)

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

DISTRICT MEETINGS
(Continued from page 633)

C. McCormack, KWKH; Joseph H. McGillvra, Joseph H. McGillvra, Inc.; Bob McRaney, WCBI; Neville Miller, NAB; H. L. Patterson, WFOR; Bill Reeves, WHUB; H. W. Slavick, WMC; F. C. Sowell, WLAC; Burt Squire, SESAC, Inc.; Powell Stamper, WSM; Jack Stapp, WSM; Harry Stone, WSM; Jess Swicegood, WKPT; J. T. Ward, WLAC; T. P. White, WJZM; W. A. Wilson, WOPI; Earle Winger, WDOD; Jack Wolever, WSIX; Hoyt B. Wooten, WREC; C. J. Wright, WFOR; E. S. Tanner, WSIX; Milton Blink, Standard Radio; Harry G. Templeton, WLS; C. O. Langlois, Lang-Worth Feature Programs; Carter Parham, WDOD; John M. Outler, Jr., WSB; and Ken D. Given, WLBJ.

DISTRICT 12

At a luncheon meeting, following the opening session of the two-day gathering at Hotel Tulsa of the broadcasters in the Twelfth NAB District, A. V. Harris, Manager of the Tulsa branch of the USES, paid tribute to and thanked the broadcasting station executives for the co-operation and genuine help they have given the USES in the reallocation of men from non-essential to war industries.

"In my estimation," he said, "the major credit for the success of this effort belongs to the radio stations".

He added that broadcasting stations in this area have given unstintingly of their time and facilities to carry appeals of the USES to the vast listening audience.

The business was called to order in Hotel Tulsa at 10:00 a. m., on Monday morning by William B. Way, KVOO, District Director. Among those who spoke at the sessions were Herb Hollister of KANS, Director-At-Large; Neville Miller, President of NAB; Carl Haverlin of the Office of War Information; Eugene Carr, of the Office of Censorship; and Lewis H. Avery of the Department of Broadcast Advertising.

Following a report by President Miller and Carl Haverlin on the policy and activity of NAB in respect to the Petrillo ban on recorded music, a resolution endorsing the stand taken by the trade association was unanimously approved.

On Tuesday the Sales Managers met in an all-day session. Clark A. Luther, KFHH, Sales Managers Chairman for the Twelfth District presided. The Retail Promotion Plan was enthusiastically received and unanimously endorsed and several pledges were forthcoming and promises of more were given.

The following were present:

L. H. Avery, NAB; Ellis Atteberry, KCKN; Burt Adams, NBC; Phillip Alexander, ASCAP; Lucille Burns, KOMA; Tams Bixby, Jr., KBIX; Claude Barerre, NBC; Owen Balch, KSAL; Jimmie Barry, KBIX; Hillis Bell, KVSO; Matt Bonebrake, KOCY; Gustav Brandborg;

KVOO; Ken Brown, KVOO; Eugene Carr, Office of Censorship; Fred Case, KWON; Plez S. Clark, KFHH; I. T. Cohen, ASCAP; Walt Dennis, KVOO; Willard Egolf, KVOO; Maxine Eddy, KGFF; Harold Grimes, KOMA; B. M. Grotkop, KOMA; William C. Gillespie, KTUL; Herbert Hollister, KANS; Gus Hagenah, SESAS; Howard Hamilton, KVOO; Carl Haverlin, OWI-BMI; Lillard Hill, KADA; Jack Howell, KOMA; Clark A. Luther, KFHH; Eugene McNally, KVOO; David R. Milsten, KVOO-KOMA; Clem Morgan, KVGB; Milton Blink, Standard Radio; Neville Miller, NAB; Allen Page, KVOO; Howard Phillips, KVOO; Albert Riesen, KVSO; Fred Schwartz, KOMA; E. Fred Scaper, KFHH; Larry L. Sisk, OWI; Weldon Stamps, KADA; J. W. Slates, KFPW; Joe Story, WIBW; Jack Todd, KANS; Karl Troeglen, WIBW; William B. Way, KVOO; Adelaide L. Carrell, WBBZ; John Esau, KTUL; Robert Enoch, KTOX; and Helen Lee, KTUL.

DISTRICT 13

The two-day meeting of District 13 was called to order Wednesday morning in Dallas by Martin B. Campbell of WFAA-WBAB-KGKO, acting as Chairman in the absence of District Director Kern Tips of KPRC.

Among the representatives of Government departments and agencies, who discussed the relation of the war and the war effort to broadcasting, were: Col. Royden Williamson, Chief, Public Relations Office, Eighth Service Command; Capt. C. L. Steinmetz, Signal Corps, and Lt. H. B. Decherd, Jr., Public Relations Officer, Third Army—Southern Defense Command; Lt. Louis Read and Lt. Harold Banks, Eighth Naval District; Lt. Lester W. Lindow, Public Relations Officer, Camp Wolters, Texas; Carl Haverlin, Headquarters Consultant; Larry L. Sisk, Regional Consultant; Robert Wear, Fort Worth Manager; Paul White, Dallas Manager; Maurice Gardner, Houston Manager; David R. McGuire, Jr., New Orleans Manager; Marvin McAlester, Kansas City Manager; Harrington Wimberly, Oklahoma City Manager; all of OWI, and Eugene Carr of the Office of Censorship.

Strong resolutions regarding OWI and A. F. of M.-Petrillo were unanimously passed.

The complete attendance roster follows:

M. E. Danbom, KGKB; E. P. Duffie, KGKB; James G. Ulmer, KGKB; James R. Curtis, KFRO; C. K. Beaver, KARK; Paul Godt, KARK; Jack McGrew, KPRC; C. B. Locke, KFDM; Bert Mitchell, Roosevelt Properties; George Cranston, WBAP-KGKO; Ed Lally, WBAP-KGKO; John Rosser, WTAW; G. E. Zimmerman, KARK; Jimmie Pate, Lone Star Chain; Charlie Nethery, KXYZ; T. Frank Smith, KXYZ-KRIS; George Erwin, KFJZ; Bert Horswell, KNET; A. M. Herman, WBAP-KGKO; Wes Izzard, KGNC; Harold Hough, WBAP-KGKO; Ralph Maddox, WFAA-KGKO; Ralph Nimmons, WFAA-KGKO; Harfield Weedon, WFAA-KGKO; Martin Campbell, WFAA-WBAP-KGKO; Alex Keese, WFAA-KGKO; Boyd Kelley, KRLD; Earle Fletcher, KAND; H. R. Turner, WBAP-KGKO; T. B. Lansford, KRMD; Hugh Half, WOAI; W. L. Klein, KTSM; Jack Keasler, WOAI; Jack Mitchell, KTSA; Aubrey Escoe, KTBC; Lofton Hendrick, KRRV; Leslie Pierce, KWFT; J. W. Crocker, KRLD; Joe B. Carrigan, KWFT; Clyde Rembert, KRLD; Eugene Roth, KONO; Pete Teddlie, WRR; Chas. B. Jordan, WRR; Lewis Lacey, KTSA; Wendell Mayes, KBWD; Lewis O. Seibert, KPLT; Howard Barrett, KRBC; Eugene Carr, Office of Censorship; Harrington Wimberly, OWI; Lt. Harold Banks, PRO, Eighth Naval District; George Kercher, Edward Petry Company; Marvin McAlester, OWI; David R. McGuire, Jr., OWI; Maurice Gardner, OWI; Lt. L. W. Lindow, PRO, Camp Wolters, Texas; Larry L. Sisk, OWI; Capt. C. L. Steinmetz, Signal Corps, Third Army—Southern Defense Command; Lt. H. B. Decherd, Jr., PRO, Third Army—Southern Defense Command; Col. Royden Williamson, Chief, Public Relations Office, Eighth Service Command; Lt. Louis Read, PRO, Eighth Naval District; Wilbur Keith, Social Security Board; Herbert Denny, Standard Radio; Tom Martin, OCD; Robert Wear, OWI; Carl Haverlin, OWI; Claude

Barrere, NBC; Lew Avery, NAB; Paul White, OWI; Philip O. Alexander, ASCAP; Milton Blink, Standard Radio; I. T. Cohen, ASCAP; Burt Adams, NBC; Gus Hagenah, SESAC; and, Neville Miller, NAB.

NEXT WEEK'S MEETINGS

Immediately ahead of the travelling party, which consists of Neville Miller, Lewis H. Avery, Carl Haverlin and Eugene Carr as the permanent members, and a number of others who are attending some of the meetings, lies the 14th District meeting which has been changed from Ogden, Utah, to Denver, Colorado. This 14th District meeting will be held at the New Albany Hotel on Monday and Tuesday, November 9 and 10. District Director Ed Yocum and Sales Managers Chairman W. E. Wagstaff have made a thorough canvass of the District and a goodly attendance is assured.

From Denver the party goes to Los Angeles for a two-day meeting on Thursday and Friday, November 12 and 13. There District Director Calvin Smith, KFAC, and Sales Managers Chairman Charles Storke, KTMS, and Lawrence W. McDowell, KFOX, President of the Southern California Broadcasters Association report a lot of enthusiasm.

Programs for Victory

"Commando Corps of the Court of Honor" is the title of a highly successful war stamps and bonds sales program.

Up to October 13, as the result of this program, Jack Gelzer of WKBW-WGR, Buffalo, reports that the good work with the kids has resulted in turning over \$192,000 to Uncle Sam—cash, not pledges.

Because programs which sell this kind of volume are out of the ordinary, we have asked the station for details which appear below:

Commando Corps of the Court of Honor

I. THE COMMANDO CORPS

- A. An organization of nine- to fifteen-year old boys and girls committed to the sale of United States War Bonds and Stamps.
 1. Original unit of ten members selected from dramatic staff, scout troops, or similar youth organization.

B. MEMBERSHIP

1. Sales of ten dollars is required for membership to prove sincerity of volunteer's enlistment.
2. Recruit is officially accepted into Corps when he takes Commando Corps Oath.
3. Group expands by volunteers.
4. Total membership is unlimited but growth and expansion of the Corps should not be too rapid.

C. INDUCEMENTS TO MEMBERSHIP

1. Official Commando Corps Armband
 - a. Bright red felt.
 - b. Royal blue insignia—chevrons, stars, bars.
 - c. White lettering of "Commando Corps" in quarter arc above insignia. "Court of Honor" on horizontal plane below insignia. Call letters at right and left of insignia.
2. Radio Broadcast (thoroughly covered under (II) Court of Honor).

D. RANK AND SALES NECESSARY FOR PROMOTION

<i>Rank</i>	<i>Total Sales</i>
Corporal	\$ 25
Sergeant	75
Staff Sergeant	175
2nd Lieutenant	375
1st Lieutenant	675
Captain	1,175
Major	2,000
Lt. Colonel	2,500
Colonel	3,000
Brigadier General	4,000
Major General	5,000
Lt. General	10,000
General	20,000

E. PROMOTIONS

1. Promotion of but one rank permitted each week.
2. Sales are accumulative, i.e., Commando does not lose credit for sales over and above his quota necessary for next rank, but the excessive amount is credited toward next promotion.
 - a. Bond Sales are credited at cost price—not maturity value.
3. An accounting of all sales is kept by one staff member to maintain an accurate record of each individual's sales.
4. Variation in amounts, necessary to attain various ranks, eliminates possibility of all Corps Members progressing through the ranks as a unit. All ranks add to the glamour, incite the spirit of competition and pride.

II. THE "COURT OF HONOR" (Broadcast)

A. TIME

1. Early evening preferred
2. 30 Minutes
3. Once weekly

B. TALENT

1. Orchestra and Soloist
2. Two or more announcers
3. Army Officer to act as Commanding Officer of Commando Corps.

C. LOCALE

1. Auditorium Studio

D. COST

1. Variable

Court of Honor Routine

Effect:	Drum Roll (Fade For).
Commando:	I am a Commando of the Court of Honor. It is my duty to sell War Bonds and Stamps. It is your privilege to buy them.
Music:	Introduction to Theme:
Announcer:	The Commando Corps presents its Court of Honor!
Music:	Theme: March of the Commandos.
Announcer:	Program Introduction.
Music:	Fanfare.
Commando:	Explanation of program.
Music:	Patriotic number.
Commando:	Explanation of how to become a member of the Commando Corps.
Music:	Fanfare.
Announcer Orderly:	Preparation for Sales Reports. Military Routine. Introduction of Commanding Officer.

Commanding Officer: Recognizes Orderly . . . Asks for Sales Reports.

Announcer Orderly: Calls Roll for first half of Corps.

Commandos: Reports his presence and makes individual Sales Report, followed by appropriate comment from Commanding Officer.

Music: Patriotic number.

Announcer Orderly: Continues Sales Reports. Reports Week's Sales and Grand Total.

Commanding Officer: Brief talk on men or materials affected by Sale of War Stamps and Bonds.

Commando: Appeal for support of public and tie-in description of Armband.

Music: Patriotic number.

Announcer Orderly: }
 Commanding Officer: } Induction of new members.

Commandos: Each Commando identifies himself.

Announcer Orderly: Now raise your right hands and repeat after (Commanding Officer) the Commando Oath!

Commanding Officer: I take this oath . . .
 To aid My Country . . .
 To the best of my ability . . .
 To respect my rank . . .
 As a Commando of the Court of Honor . . .
 To preserve the ideals . . .
 On which this Court was founded . . .
 And to be a loyal American in thought and conduct.
 (Commandos repeat each line after Officer.)

Commanding Officer: Brief address to new members.

Commando: Lead group in pledge to the Flag.

Commando: Star Spangled Banner.

Music: National Anthem.

Announcer: Next week the Commando Corps will again broadcast its Court of Honor. Listen next Saturday at seven when you will hear:

Commando: I am a Commando of the Court of Honor. It is my duty to sell War Bonds and Stamps. It is your privilege to buy them.

Music: March of the Commandos.

Announcer: Sign off.

Music: Theme up to end.

TIRE RATIONING

Passenger cars used by "executives, engineers, technicians and workers" in the communications industry (which includes radio broadcasting) are eligible for retreading and recapping of tires and for new inner tubes under the Tire Rationing Regulations issued by the Office of Price Administration. The provisions relative to retreading and recapping are found under List B (a) (3) of the regulations effective February 19, 1942, and the provisions as to new inner tubes are found under Amendment No. 4 to the regulations effective April 10, 1942.

"The eligible classes in List B are not automatically qualified to purchase retreaded or recapped tires," Mr. Henderson has said. "The regulations require anyone on List B to establish to the satisfaction of the local board that his car is used exclusively on service essential to the community and to the Nation."

Appeal from decision of a local board should be taken by letter to the State Rationing Administrator at the State capital.

The above corrects the article on Tire Rationing appearing on page 594 of NAB REPORTS of October 9, which should have read that buses used by workers in the communications industry are eligible for new tires.

SCHOOL BROADCAST CONFERENCE

The annual Chicago School Broadcast Conference is scheduled for Wednesday and Thursday, November 11 and 12. Tentatively scheduled as speakers on the two-day program are Vice President Henry Wallace and Elmer Davis, Director of the Office of War Information. Lt. Col. Edward M. Kirby, head of the Radio Branch of the War Department's Bureau of Public Relations and former NAB Director of Public Relations, will also speak, as will Thomas D. Rishworth, NBC; Leon Levine, CBS; Erik Barnouw and Allan Nevins, Columbia University; Mildred Batchelder of the American Library Association; Prof. John Frederick of Northwestern University and Nelson Olmsted, producer of "World's Greatest Stories" on NBC.

A most interesting program including panel discussion of topics of deep interest to educators and broadcasters is scheduled.

TELEPHONE PRIORITIES

The New York telephone company reports that all went smoothly the first day of priorities on long distance calls in New York City. Only 33 priority calls were made, and regular service was uninterrupted. Broadcasters are entitled to make priority calls when essential to the war effort.

COMMISSION "FREEZING"

The Treasury Department says that the *rate*, not the amount, of commissions is "frozen" under the recent salary stabilization order. The same system, presumably, would apply to bonuses based on a percentage of income, profits, etc.

PER INQUIRY AND FREE TIME

Huber and Sons, 699 Madison Ave., New York City, offer two per-inquiry deals for books, "The Modern Home Physician" and "The World's Greatest Books."

Stephen Powers Shoemaker, Halliburton Bldg., Los Angeles is attempting to sell Frederick Murphy's book, "How to Pay Taxes and Live" on a booking order at day-time rates or on a per-inquiry basis.

The Curtiss Candy Co. seeks free time to publicize their efforts to aid the scrap metal drive.

READ FORTUNE SURVEY

A survey on a radio subject appearing on page 20 of November, 1942, "Fortune" should be read by all broadcasters. It will give you the kind of a surprise you like to get.

CAPT. HARDER FROM WESTINGHOUSE

It's now Captain George A. Harder, Chemical Warfare Service, Edgewood Arsenal, Maryland.

Until next week, when he will report for active duty, Captain Harder is still on the job as advertising and publicity manager of Westinghouse Radio Stations.

SENIOR MUNIZ VISITS NAB

Recent visitor at NAB headquarters was Felix Muniz, manager, WIAC, San Juan, Puerto Rico, of which Enrique Abarca is owner. WIAC is a member of the National Association of Broadcasters.

Senor Muniz said that the NAB course, Fundamentals of Radio, was being taught at the University of Puerto

Rico, days, and that another radio class was taught, nights, at Central High School, Santurce.

RADIO PLAQUE

At the Cleveland convention radio station WGAR presented the broadcasters with an attractive pin bearing the words, "Radio—In Service of Home and Nation." A replica of this pin in the form of a plaque, 12 inches in diameter, has been made. Neville Miller is carrying a copy of this with him on the tour of District meetings where it is exhibited. Any broadcaster desiring one of these plaques may secure it by addressing an order to NAB enclosing a check for \$5.00. These make a splendid decoration for the lobby of a radio station or in the manager's office. We will be very glad to hear from any broadcasters interested.

OWI SHORT WAVE

The OWI and Office of the Coordinator of Inter-American Affairs announced the government has leased the short wave broadcasting facilities of five companies for the duration of the emergency. In an official statement the government agencies said:

Under the terms of the lease, the broadcasters are to continue operating their facilities, without profit, in return for which the government will pay the cost of operations. In effect, the government is buying the short-wave broadcast time from the five companies for the duration of the emergency.

The United States, for the period of the war, will use these facilities for preparing and transmitting its own short wave programs. The government has arranged to build certain of its short wave programs in collaboration with the programming staffs of the Columbia Broadcasting System and the National Broadcasting Company.

The facilities of the ten stations operated by the five companies involved in the leasing transaction will serve as a nucleus for the government's short wave expansion program which, according to present plans, calls for the construction of twenty-two additional short wave transmitters.

The purpose of the government's action is two-fold. First, it will materially improve reception of United States short wave broadcasts all over the world thereby effectively increasing the listening audience. Secondly, it will improve the quality of short wave programs by the coordination of news and other material broadcast for international consumption.

The companies which have leased their international broadcasting facilities to the government are the Columbia Broadcasting System, the Crosley Corporation, the General Electric Company, the National Broadcasting Company and Westinghouse Radio Stations, Inc.

The ten short wave stations owned by these companies are:

Columbia Broadcasting System Stations:

Location: New York
WCRC
WCBX
WCDA

Crosley Corporation Station:

Location: Cincinnati
WLWO

General Electric Company Stations:

Location: Schenectady
WGEO
WGEA

General Electric Company Station:

Location: San Francisco
KGEI

National Broadcasting Company Stations:

Location: New York
WRCA
WNBI

Westinghouse Radio Stations, Inc. Station:

Location: Boston
WBOS

Negotiations for the government were conducted jointly by the Office of War Information and the Office of the Coordinator of Inter-American Affairs. Two-thirds of the time leased from the radio companies will be used by the Overseas Division of the Office of War Information headed by Robert E. Sherwood. The remaining time will be used by the Information Department of the Office of the Coordinator of Inter-American Affairs, headed by Wallace K. Harrison, which will broadcast programs to the other American republics.

Elmer Davis, Director of the Office of War Information, in commenting on the agreement, said:

"International Radio Broadcasting is an important weapon in this war. This fact has been proved by our enemies. They use this weapon constantly and powerfully. Their ammunition is falsehood. Our ammunition is truth.

"The various shortwave broadcasters are showing a fine sense of public service in cooperation with the government in this emergency. This cooperation will continue. We expect to increase our broadcasting facilities so that the voice of America will be heard clearly by our allies and our enemies, and neutral nations everywhere.

"One of the most important aspects of our shortwave broadcasting is programs of news from home sent to our own forces in all parts of the world."

Nelson A. Rockefeller, Coordinator of Inter-American Affairs said:

"Short wave broadcasting is of great importance in the inter-American program, for it is a significant medium of communication among the allies and neighbors of the new world.

"Hemisphere cooperation can have real meaning only with the fullest participation of the people of the 21 American republics. Such participation is dependent upon wide knowledge and understanding, which can be materially fostered by improvement and expansion of short-wave broadcasting facilities.

"These new agreements, reached with the fullest cooperation of the radio industry, signal an important step forward toward the inter-American goal."

FEDERAL LEGISLATION

HOUSE RESOLUTION

H. Res. 564 (Gehrmann, R.-Wisc.) INVESTIGATION OF SALE OF RADIO TIME—To investigate alleged discrimination against cooperatives and others by major broadcasting companies in the sale of radio time. Referred to Committee on Rules.

FEDERAL COMMUNICATIONS COMMISSION

WAKEFIELD DISCUSSES ISSUES

Following is part of a speech made by Commissioner Ray C. Wakefield in San Francisco on October 30:

At the present time there are certain controversial issues in the broadcasting field to be decided by the courts and the Commission. I refer particularly to the chain broadcasting or network regulation, the radio-newspaper inquiry, and the Petrillo controversy. The network regulations were adopted over a year ago and while some of them have been placed into effect voluntarily by the networks, they are not legally binding as regulations pending the outcome of litigation testing the Commission's power to issue them. The regulations were issued after considerable complaint of network practices and after extensive hearings.

Without going into any detailed discussion of these rules. I would like to discuss them briefly and the philosophy underlying them. These rules were designed to

prevent monopoly by the networks in the control of radio time, first through the ownership of too many stations, and second, through the type of affiliation contracts offered non-owned stations. In prevailing contracts, the networks would so tie up the individual stations that it would be impossible for a station to take the programs of another network even though it had free time and the program, no matter how popular or meritorious, was not being broadcast in its community. They also prohibit the broadcasting of non-network programs of local interest such, for example, as a Commonwealth Club meeting, if the network required the time, no matter how great the importance of the local broadcast. The licensee's freedom of selecting programs was curtailed and the possibility of additional networks was severely limited. In its regulations, the Commission sought to prevent stations from entering into contractual relationship with networks which made it impossible for them to fulfill their duty in the public interest, as the station licensee might determine what was the public interest for his community. Incidental to this purpose, there was the desire to stimulate or, at least, permit the growth of other networks. I must emphasize this point because of the argument commonly made by the existing networks that the Commission seeks to destroy network broadcasting. Nothing is further from the truth except perhaps another charge that those rules are some sort of forerunner of government operation of radio. I am satisfied that all of the benefits of the present network system can be retained without its handicap of monopolistic practices and that the result of the adoption of these rules will be a freer and more independent broadcasting industry. They are, in fact, just about as much a prelude to government operation as is the Sherman Anti-Trust Law.

Another issue in broadcasting which has engaged the attention of the Commission is the question of what restrictions, if any, should be placed upon the privilege of a newspaper or persons associated with newspapers to hold interests in a station license. This problem was brought to the attention of the Commission in part by the numerous applications of newspaper interests for FM stations and also by Congressional complaints of monopoly of radio. Hearings were held on this question during the summer and fall of 1941, but no decision has been made in this matter.

On the one hand the arguments are made that newspapers do not operate radio stations as independent media of public expression but rather that the newspaper-owned station tends to become an adjunct of the newspaper and a supporter of its editorial policy. Those who hold this view point out that the number of licensees of radio stations is limited by the number of available frequencies. They believe it desirable that the control of the media of public expression—the pipelines of information into the market place of thought, as described by one witness—be as diversified as possible and, therefore, they think it is better that further licenses should not be issued to newspapers. The proceeding does not contemplate the revocation of existing newspaper-held licenses.

On the other hand, it is contended that radio is in one sense a development of the work of the newspaper as a purveyor of public information and intelligence and that it is inequitable if not a violation of the principles of freedom of press to deny the right to hold licenses to the owners of newspapers. This, of course, is a very broad view of the issues and does not attempt to discuss the evidence or to indicate which view I consider the correct one since this matter is now before the Commission for decision.

The Commission's interest in the activities of the American Federation of Musicians, headed by James C. Petrillo, is twofold, namely, in the Union's action with reference to broadcasts by amateur musicians and its ban on recordings and transcriptions. One of the first matters which came to the Commission's attention was the cancellation of a broadcast by the National High School Symphony Orchestra from the Music Camp at Interlochen, Michigan, in the early summer.

Each summer the students at this camp are organized into a symphony orchestra, and a number of the country's leading symphony conductors visit the camp and assist in their training. The broadcast by the High School

Symphony Orchestra scheduled over the network of the National Broadcasting Company on July 11 of this year was cancelled. The Commission received many complaints.

Inquiry of all broadcasting stations has developed the fact that there have been other instances where amateur musicians have been kept off the air or permitted to broadcast only if professional standbys were specially employed for the occasion.

With reference to recordings and electrical transcriptions, I understand that the musicians' principal objection to the use of recordings and transcriptions on the radio is that they compete with live musicians and thus decrease the opportunities that musicians have for employment in the radio broadcast field. Mr. Petrillo, in a letter to the Commission, urges that this is something more than the usual objection which labor unions have raised to technological changes which create unemployment. He says that here the situation is unusual because the very devices which compete with live musicians are made by the musicians themselves.

The efforts of musicians to prevent the use of recordings and transcriptions are not new. In 1931 the Chicago Federation of Musicians, of which Mr. Petrillo was then president, called a strike of Chicago radio musicians effective at midnight New Year's eve. The strike had for its purpose, among other things, barring broadcasting of recordings for commercial purposes. The strike was settled when the Chicago broadcasters agreed to a reduction in the working hours of musicians.

Beginning in 1936 a series of suits were filed with the view to establishing that musicians have the right to prevent the unauthorized broadcasting of their recordings. The musicians urged that if a record was made for use only on home phonographs and so labeled, it could not be used for broadcasting. This contention prevailed in the Supreme Court of Pennsylvania. However, the United States Circuit Court of Appeals for the Second Circuit, subsequently decided otherwise.

In January 1937 the Chicago Federation of Musicians announced that effective February 1st it would not permit its members to make recordings of any kind, including transcriptions, except under such restrictions and upon such conditions as the Federation's executive board should deem best calculated to end "for all time the menacing threat of canned music competition," but again there was a settlement when the networks and their affiliates who had been spending \$3,500,000 yearly in wages to musicians agreed to boost the total by \$2,013,000, an increase of nearly 60 percent, which provided jobs for about 1,000 more union players.

The quota agreements expired early in 1940 and another strike was threatened. However, an armistice was reached in the early part of January and while no new contracts were entered into relations were continued on the basis of the quota agreements.

In July 1940, Petrillo who had been and still is head of the Chicago Union succeeded Joseph Weber as national president of the A. F. of M. At the convention held the following year the executive board was ordered to take action against recorded music. This culminated in Petrillo's announcement at the convention held in June of this year that effective August 1 members of the A. F. of M. would stop making records except for home consumption. The musicians apparently realized, however, that in view of the decision of the Second Circuit Court there is no way of guaranteeing that once a record is made it will not be used for broadcasting purposes. Accordingly, Mr. Petrillo's letter of June 25 to the recording companies extended the ban to the making of any mechanical reproduction of music.

The jurisdiction of the FCC is extremely limited in this matter since we deal only with radio licensees. However, we are deeply interested in the effect of the ban upon radio programs as it affects the ability of stations to stay in business and render the best service. You may feel that you do not like recorded or transcribed programs. As a matter of fact, they can be very good—so good you cannot tell them from a live program. In any event, to the extent that they are necessary or desirable there should be no artificial handicap to the best possible recordings and transcriptions. The Commission's study elicited the

fact that over 40 percent of the average station's total broadcast time is devoted to recorded music, and that the small non-network station depended on records for most of its program material. Much more than full time musical programs is involved as transcribed programs with only a musical background or interlude are involved as well as transcribed background for live programs.

In addition to appearing before the Senate Committee, the Commission prepared evidence in affidavit form for use by the Department of Justice in its antitrust suit to enjoin Petrillo from enforcing the order prohibiting members of the Union from making records. An injunction was refused by the Federal District Court in Chicago on October 12 on the ground that the matter was essentially a labor dispute and that under earlier decisions of the Supreme Court the Anti-Trust Law did not apply to labor unions under certain conditions. However, the Department of Justice is considering an appeal in this case, and the Senate has authorized an investigation of the situation and has made an appropriation for that purpose. New legislation may result from this investigation. In any event, I'm sure we have not heard the last of the Petrillo case.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, November 9. They are subject to change.

Thursday, November 12

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P. to install new transmitter, 1230 kc., 250 watts, unlimited.

Friday, November 13

WINK—Mid-American Broadcasting Corporation, Louisville, Ky.—Modification of C. P., 1080 kc., 1 KW night, 5 KW day, unlimited, DA-day and night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

MEETING POSTPONED

The regular Tuesday meeting of the FCC was postponed this week because of national elections. The meeting is slated to be held Friday of this week.

ACTION ON DOCKET CASE

The Commission has adopted an order making final its Proposed Findings of Fact and Conclusions (B-152), granting the application for renewal of license of Puerto Rico Advertising Co., Inc. (WPRA), Mayaguez, Puerto Rico (Docket No. 5929). In the same order the Commission denied the applications of Puerto Rico Advertising Co., Inc., for construction permits for new standard broadcast stations at Arecibo, Puerto Rico (Docket No. 5930), and at San Juan, Puerto Rico (Docket No. 5938), and also denied the application of Caribbean Broadcasting Association, Inc., for a construction permit for new standard broadcast station at San Juan, Puerto Rico (Docket No. 5898).

MISCELLANEOUS

- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted construction permit to install new sampling loops (B2-P-3514).
- WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Granted modification of construction permit, as modified, which authorized change in frequency, increase in power, installation of new transmitter and directional antenna for night use, and move of transmitter, for change in type of transmitter, and change in type of frequency and phase monitors (B3-MP-1658).
- KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted license to cover construction permit which authorized move of transmitter (B5-L-1717); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1451).
- WRNL—Richmond Radio Corp., Richmond, Va.—Granted license to cover construction permit for changes in directional antenna for night use (B2-L-1719); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1454). Granted license to use directional antenna as specified under construction permit (B2-L-1720); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1455).
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted license to cover construction permit as modified, for increase in power, change in hours of operation, move transmitter, installation of new transmitter and directional antenna for night use (B2-L-1712).
- KG CX—E. E. Krebsbach, Sidney, Mont.—Granted license to cover construction permit for move of transmitter and studio, and make changes in antenna (B5-L-1706); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1436).
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1446).
- WENM—The Evening News Assn., Area of Detroit, Mich.—Granted renewal of relay broadcast station license for the period ending not later than October 1, 1944 (B2-RRY-122).

Granted further extension of following relay broadcast station licenses upon a temporary basis only, pending determination upon applications for renewal of licenses, in no event later than December 1, 1942:

KBTB, Red River Broadcasting Co., Inc.; KGBK, Helen Townsley; WAEA, W. A. Patterson; WAFK, A. Frank Katzentine.

APPLICATIONS FILED AT FCC

610 Kilocycles

- KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—License to cover construction permit (B-P-3436) as modified, for increase in power and new transmitter.
- KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Authority to determine operating power by direct measurement of antenna power.

640 Kilocycles

- WCLE—United Broadcasting Co., Cleveland, Ohio.—Construction permit (B2-P-2834) to install new transmitter and directional antenna for day and night use, change frequency from 610 kc. to 640 kc., increase power from 500 watts to 50 KW, change hours of operation from daytime to unlimited time, move transmitter from Pleasant Valley Road, Village of Seven Hills, Ohio, to near Sharon Center, Ohio, Class II station. Amended: to request modification of license to change frequency from 610 kc. to 640 kc., change hours of operation from daytime to limited time, and omit request for move of transmitter, directional antenna and increase in power, and new transmitter.

790 Kilocycles

- WWNY—The Brockway Company, Watertown, N. Y.—License to cover construction permit (B1-P-3265) as modified, for installation of directional antenna for night use, change frequency, increase power, change hours of operation, and move transmitter.

WWNY—The Brockway Company, Watertown, N. Y.—Authority to determine operating power by direct measurement of antenna power.

820 Kilocycles

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Transfer of control of licensee corporation from Aurelia S. Becker as Administratrix of the Estate of Frank V. Becker to Aurelia S. Becker (125 shares 50%).

830 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Special Service Authorization to operate from 6 a. m. to 10 p. m., with power of 1 KW.

940 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Georgia.—Modification of construction permit (B3-P-3043, as modified, which authorized change in frequency, increase in power, installation of directional antenna for day and night use, and move transmitter) for extension of completion date from 11-6-42 to 1-6-43.

1240 Kilocycles

WJW—WJW, Incorporated, Cleveland, Ohio.—Modification of construction permit (B2-P-3263, as modified, which authorized installation of new transmitter and directional antenna for day and night use, increase power, change frequency, and move transmitter) to change proposed location of transmitter from on East side of Akron-Boston Mills Road, Northampton Twp., Ohio, to N.W. of intersection of Ohio State Highway No. 94 and Walling Road, Cuyahoga County, Ohio, change type of transmitter, move studio from 41 S. High St., Akron, Ohio, to 815 Superior Ave., Cleveland, Ohio, make change in directional antenna for day and night use and extend commencement and completion dates from 8-15-42 and 1-13-43 to 60 days after grant and 180 days thereafter respectively.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Modification of construction permit (B1-P-2924, which authorized change in frequency, increase in power, installation of directional antenna for day and night use and new transmitter, and move of transmitter) for extension of completion date from 11-23-42 to 5-1-43.

1290 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of construction permit (B5-P-3100, as modified, which authorized installation of directional antenna for day and night use, and increase night power) for extension of completion date from 11-16-42 to 12-16-42.

1300 Kilocycles

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—License to cover construction permit (B4-P-3269) as modified, for changes in directional antenna for night use, install new transmitter, and increase power.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Authority to determine operating power by direct measurement of antenna power.

1400 Kilocycles

KVGB—Helen Townsley, Great Bend, Kansas.—Authority to determine operating power by direct measurement of antenna power.

1590 Kilocycles

WAKR—Summit Radio Corporation, Akron, Ohio.—License to cover construction permit (B3-P-3038) as modified, for increase in power, changes in directional antenna for night use only, and install new transmitter.

WAKR—Summit Radio Corporation, Akron, Ohio.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATION

WBIG—North Carolina Broadcasting Co., Inc.—Construction permit to install new transmitter, new directional antenna system for day and night use, change frequency from 1470 kc. to 640 kc., increase power from 5 KW to 50 KW, and move transmitter from near Greensboro, N. C., to north of Kernersville, N. C. Amended: to make changes in licensed directional antenna for night use, and omit request for move of transmitter, new transmitter, and increase in power.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Viscose Corp., 350 Fifth Ave., New York, one of the world's largest producers of rayon yarn, is charged in a complaint with misrepresentation in the sale of its products. (4862)

Bristol-Myers Co., Rockefeller Center, New York, distributor of Ipana tooth paste; Pedlar & Ryan, Inc., and Young & Rubicam, Inc., both advertising agencies for the Bristol-Myers Co., are charged in a complaint with misrepresentation. Pedlar & Ryan, Inc., 250 Park Ave., and Young & Rubicam, Inc., 285 Madison Ave., New York, are advertising agents and have participated in the preparation and dissemination of the advertising matter to which reference is made in the complaint. (4861)

J. A. Folger & Company—Misrepresentation in the sale of coffee is alleged in two complaints, one against J. A. Folger and Company, a California corporation with offices at 101 Howard St., San Francisco, and the other against J. A. Folger & Company, a Nevada corporation, with offices at 330 West 8th St., Kansas City, Mo. (4859-4860).

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Bee-Dew Cosmetic Company—An order to cease and desist from misrepresentation in the sale of "Bee-Dew" cosmetics, recommended as hair and scalp treatments, has been issued against Vivian S. Nash, trading as Bee-Dew Cosmetic Co., 703 East Forest Ave., Detroit. (4811)

United Drug Co., Boston, has been ordered to cease and desist from selling cosmetics in packages which mislead and deceive purchasers as to the quantity of the product contained therein. (3729)

Utah Beverage and Distributing Co., Salt Lake City, Utah, selling and distributing merchandise including candies, gum, clocks, and handkerchiefs, has been ordered to cease and desist from the use of lottery methods in the distribution of their products. (4591)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Armi Mineral Water Co., 1711 Jefferson Ave., Toledo, Ohio, stipulated that he will cease and desist from misrepresentations concerning the therapeutic value of a preparation he sells under the name "Armi Mineral Water," which consists of city tap water supplemented by certain minerals in small quantities and by a relatively larger portion of sodium sulphate and through which has been conducted a current of electricity. (3553)

Beechams Pills, Inc., Bloomfield, N. J., and Atherton & Currier, Inc., New York agency which disseminates advertisements for the product, stipulated that they will cease and desist from disseminating any advertisement which fails to reveal that the product should not be used when abdominal pain, nausea, stomach sickness, or other symptoms of appendicitis are present; provided, however, that such advertisements need only contain the statement "Caution: Use only as directed," if the directions for use, wherever they appear on the label or in the labeling, contain a warning to the same effect. (03068)

Benco-Forman Sales Co., Inc., 21 Maiden Lane, New York, engaged in the sale of radios, washing machines and electrical appliances, has entered into a stipulation to cease and desist from representing that it is a distributor; that the prices at which it sells its merchandise are wholesale prices; that firms to which it introduces prospective customers sell their merchandise at wholesale prices; that it is a cooperative buying or purchasing organization; or that it is a representative of or purchasing agent for an association of cooperative buyers. (3554)

Completex Manufacturing Corp., 221 East 38th St., New York, engaged in the sale of an insecticide designated "Completex Powder," stipulated that it will discontinue representing that one application of the preparation will rid premises of infestations by roaches, ants or other insects for one year or any other length of time in excess of the time that such preparation can be depended upon to control such infestations, or that the preparation destroys the eggs of insects or can be depended upon to destroy their larvae. (3552)

Man-O-Ree Products, Greensboro, N. C., has entered into a stipulation to cease and desist from representing that the preparation he sells under the name "Man-O-Ree" is an aid to digestion; will rid the system of poisons or gases; can be relied upon to relieve gastric disturbances, heartburn, stomach disorders, nervousness, and insomnia; possesses the rebuilding qualities of a tonic, and is capable of having any deleterious effect on the digestive organs.

The respondent also agrees to discontinue use of any advertisement which fails to reveal that the preparation should not be used when abdominal pains, nausea, or other symptoms of appendicitis are present and that its frequent or continued use may result in dependence on laxatives; provided, however, that such advertisement need contain only the statement "Caution: Use only as directed," if the directions for use, wherever they appear on the label or in the labeling, contain warnings to the same effect. (03067)

Maywood Publishing Co., 1107 Broadway, New York, and E. D. Debout, Marion, Ky., entered into identical stipulations with the Federal Trade Commission to discontinue certain misrepresentations in connection with the sale of a booklet designated "Bargain Buyers' Guide," containing a classified compilation of numerous articles of merchandise together with the names of the sellers, and several pages of "unusual bargains." (3555-3556)



Broadcast Industry on Full War Basis, December 1

The FCC, acting on proposals of the War Production Board and recommendations of the Board of War Communications, on November 6 adopted new regulations which in effect place the industry on a full wartime operating basis.

The new regulations, effective December 1, make it mandatory for all standard broadcast transmitters to reduce carrier power by one decibel. The required operating day for unlimited time stations is reduced from twelve hours to six hours daily. Stations are permitted "in an emergency, due to causes beyond the control of the licensee, when it becomes impossible to continue operating, the station may cease operation for a period not to exceed ten days, providing the Commission and Inspector in Charge shall be notified in writing immediately after the emergency develops," this clause is retained in Section 3.71 of the Rules and Regulations as revised.

Order Number 107 directs changes in the methods of determining the carrier power of transmitters. Stations using indirect power measurement are assigned new factors for determining the operating power from the plate input power. Stations using the direct measurement of power are assigned the factor of 1.26 for the determination of the antenna resistance value. The new factors, when applied, have the effect of decreasing the actual carrier power by one decibel.

In order that transmitters may be properly adjusted to secure the maximum conservation of tubes and other components the Commission has issued the "Manual on the Adjustment of Standard Broadcast Transmitters." The Manual stresses the importance of proper calibration and operation of the program limiting amplifier. Intelligent use of the "limiter" will offset the slight decrease in carrier power without resulting in objectionable compression or distortion.

The Commission's press release, copies of which were forwarded to all NAB members on November 7, mentions tests conducted by the Commission prior to the adoption of the Order. On alternate days, the carrier power of the stations used for the tests were reduced one decibel. "Listeners, aware of the tests, were unable to determine when the power was reduced and when it was not. Some of them reported improved reception during the period when the reduction was in effect." Not a single complaint was received from listeners as a result of the operation on reduced power.

Immediately upon the release of the new regulations the NAB Engineering Department contacted the manufacturers of broadcast transmitters. It was pointed out to the manufacturers that owing to the limited technical personnel available, some stations may have difficulty in properly readjusting their transmitters. It was suggested that the manufacturers make available specific instructions for the readjustment of each type transmitter in

accordance with Order Number 107. Copies of the order and the manual were forwarded to the manufacturers in order that these specific instructions could be made available with a minimum of delay. Station engineers should immediately review the order and the manual so that possible difficulties can be anticipated well in advance of the effective date.

Order Number 94-A permits the voluntary reduction in hours of operation. The order also repeals Number 94 which had previously permitted a minimum daily operation of twelve hours.

The Commission did not take any action on the plan for the voluntary pooling of equipment which has been under consideration for some time.

DISTRICT 14 MEETING

Since the Fourteenth District of NAB embraces a much larger geographical area than any other district, the unusually large attendance of forty-nine broadcasters, government and industry representatives at the two-day meeting reflects the intense desire of radio stations in this district to cooperate to the fullest extent in the war effort. The opening session was called to order in Denver at 10:00 a.m. on Monday, November 8, 1942, by District Director Ed Yocum of KGHL.

During the first day, Carl Haverlin of the Office of War Information and Robert B. Hudson of the Rocky Mountain Radio Council, and Regional Consultant for OWI, presented the new plan that is designed to become operative on January 1, 1943. Following a question-and-answer period, the broadcasters unanimously endorsed the proposal.

Other speakers at the opening session were: Lt. Col. R. G. Walters, commander of Security District No. 7; Lt. Comdr. Lloyd E. Yoder, Public Relations Officer for Colorado for the Navy; Major L. G. Ruth, Public Relations Officer at Bulkley Field, Denver; and Major Howard Peterson, Chief, Radio Branch, Public Relations Bureau, Seventh Service Command.

At the luncheon meeting, Mrs. Dorothy Lewis, whose regular travels happened to coincide with the Fourteenth District meeting in Denver, spoke briefly on her meetings with listener groups across the country. She emphasized that listeners are increasingly interested and sometimes critical of the promotion of the war effort over the radio. She spoke, too, of the growing discussions among listeners of the post-war world and the part that radio will play in the readjustments after the war. Following Mrs. Lewis, Earl J. Glade of KSL voiced an impassioned plea for a more intelligent handling of the announcements and programs of the various government agencies and departments devoted to the prosecution of the war. He

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Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

DISTRICT 14 MEETING

(Continued from page 643)

stressed the critical part which broadcasting plays and can play in the war effort.

During the afternoon meeting of the first day, Eugene Carr of the Office of Censorship urged more detailed study of the Code and cited examples of good and bad judgment on the part of radio station operators in the interpretation of the Code. Following a presentation of the facts in the AFM-Petrillo problem, the broadcasters unanimously endorsed the NAB stand.

Several resolutions were adopted. One resolution suggested a network radio forum program upon which Petrillo himself, representatives of affected industries and government officials would be invited to participate. Another expressed appreciation to the Denver broadcasters for their work in connection with arrangements for the convention. A memorial resolution expressing regret at the untimely death of C. G. Phillips of KIDO, Boise, was unanimously passed. Regret at the absence of Frank Hurt of KFXD, due to illness was expressed in a resolution. Still another resolution expressed appreciation to the representatives of the various government departments who participated in the program. These included Carl Haverlin, OWI; Bob Hudson, Defense Savings Staff; Ralph Block, Office of Civilian Defense, Gene Carr, Office of Censorship; Major Howard Peterson of the Seventh Corps Area and other government and military representatives.

The second-day meeting was devoted to sales problems with W. E. Wagstaff of KDYL, District Chairman of the Sales Managers, in charge of the meeting. The morning meeting was devoted to a panel discussion of pre-arranged topics, followed by a presentation of the Retail Promotion Committee plan to increase the percentage of retail advertising budgets spent in broadcast advertising. At the luncheon meeting, Lewis H. Avery spoke on "Good Taste in Radio Advertising." The afternoon meeting was devoted to a discussion of local sales problems with emphasis on the development of new business to meet the new conditions imposed by war.

Following is a list of those in attendance:

Lewis H. Avery, NAB; Frank Bishop, KFEL; Milton Blink, Standard Radio; Ralph Block, Office of Civilian Defense; Boyd Braithwaite, KIDO; Ed J. Broman, KSL; Eugene Carr, Office of Censorship; V. W. Corbett, KVOD; T. C. Ekrem, KVOD; Henry H. Fletcher, KSEI; Ruth A. Fletcher, KSEI; S. S. Fox, KDYL; Mrs. Florence M. Gardner, KTFI; Earl J. Glade, KSL; E. J. Gough, SESAC; Wm. C. Grove, KFBC; Ralph W. Hardy, KSL; George C. Hatch, KLO-KOVO-KEUB; Donald Hathaway, KDFN; Carl Haverlin, OWI-BMI; Con Hecker, KVOD; Rex Howell, KFXJ; Robert B. Hudson, Rocky Mountain Radio Council; Mrs. Dorothy Lewis, NAB; James R. MacPherson, KOA; Neville Miller, NAB; C. C. Moore, KOA; A. J. Mosby, KGVO; Holly Moyer, KFEL; Gene O'Fallon, KFEL; R. H. Owen, KOA; Major Howard Peterson, Chief, Radio Branch, Public Relations Bureau, Seventh Service

Command; Mrs. C. G. Phillips, KIDO; Jennings Pierce, NBC; G. A. Provol, KDYL; William D. Pyle, KVOD; Wally Reef, KFEL; Major L. G. Ruth, Public Relations Officer, Bulkley Field, Denver; Cecil Seavy, KFEL; C. P. Soule, KTFI-KSEI; Hugh B. Terry, KLZ; Sgt. Herb Trackman, Public Relations Office, Fort Logan, Colorado; Dan H. Vincent, KSL; Sacs Vratiss, KGVO; W. E. Wagstaff, KDYL; Lt. Col. R. G. Walters, Commander, Seventh Security District; Lt. Arwin D. Way, Public Relations Office, Fort Logan, Colorado; Ed Yocum, KGHL; Lt. Comdr. Lloyd E. Yoder, Public Relations Officer, U. S. Navy.

NEW TIRE AND GAS RATIONS

The new Mileage Rationing: Tire Regulations (Ration Order 1A) and the new Mileage Rationing: Gasoline Regulations (Ration Order 5C) issued last Friday by OPA and effective November 22 put into practice the various recommendations of the President's Special Committee to study the rubber situation. These two ration orders are complementary in their operation and are designed to ration rubber and gasoline on the basis of mileage essential to actual needs.

Tires for Passenger Cars

Passenger cars are eligible for recapping, if applicant has a recappable tire carcass, otherwise for a specified grade of new tire, dependent upon total gasoline mileage ration as adjusted by the local War Price and Rationing Board at the time of application for the necessary certificate. Applicant must prove immediate need for the tire, tube or recapping service for which the application is made; that he has not abused or neglected the tire or tube which he seeks to replace or recap; that he has no excess tires for the automobile; that he has a gasoline ration currently valid under the new Mileage Rationing: Gasoline Regulations; and that he has a Tire Inspection Record, signed by an authorized tire inspector, showing that the required tire inspections have been made. The Rationing Board is required to redetermine the applicant's gasoline ration before passing upon the application. The applicant's eligibility for a tire, tube or recapping service is determined on the basis of such adjusted mileage, and not on the basis of his former allowed gasoline mileage, in accordance with the table on page 645:

Tires for Commercial Vehicles

"Sec. 1315.504. *Additional proof of need for commercial motor vehicle.* In addition to meeting all the conditions of Sec. 1315.501, an applicant for a tire, tube, or recapping service for a commercial motor vehicle must meet the following conditions:

"(a) *Certificate of War Necessity.* That he holds a currently valid Certificate of War Necessity, if required, with respect to such vehicle and that the tires have been currently inspected and passed as required by General Order ODT No. 21; and

"(b) *Importance to war effort, public health, or safety.* That the functions to be performed by the use of the tire, tube, or recapping service are essential to the war effort, the public health or the public safety. The applicant's need, standing alone, no matter how pressing, shall not be a basis for granting a certificate; and

"(c) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of tires, tubes, or recapping service needed to perform functions deemed by the Board to be more essential to the war effort, public health or public safety than the functions performed by the applicant; and

"(d) *Recapping if possible.* That, if the applicant is seeking to replace a tire, it is not capable of being recapped or that it cannot be recapped for safe use at the speeds at which the applicant may reasonably be expected to operate; and

Total gasoline mileage	Kind of tire or recapping service	Kind of tube
560 or less miles per month.	Recapping service with passenger-type camel-back if applicant has a recappable tire carcass; otherwise a Grade III tire.	New or used at applicant's option.
561 to 1,000 miles per month.	Recapping service with passenger-type camel-back if the applicant has a recappable tire carcass; otherwise a Grade II or Grade III tire at applicant's option.	New or used at applicant's option.
1,000 miles per month or over.	Recapping service with passenger-type camel-back if the applicant has a recappable tire carcass; otherwise a Grade I, Grade II or Grade III tire at applicant's option.	New or used at applicant's option.
For fleet passenger automobiles or official passenger automobiles for which interchangeable gasoline ration books have been currently issued.	Recapping service with passenger-type camel-back if applicant has a recappable tire carcass; otherwise a Grade III tire.	New or used at applicant's option.

“(e) *Passenger-type tires unavailable or wasteful.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available, or that the use of a passenger-type tire would constitute a waste of rubber; and

“(f) *No other vehicle available.* That, if application is made with respect to a commercial motor vehicle eligible under Sec. 1315.505 (a) (List A), all other commercial motor vehicles owned or controlled by the applicant are either eligible under Sec. 1315.505 (a) (List A) or cannot practicably be used to perform the services for which a certificate is sought.

“Sec. 1315.505. *Eligibility of commercial motor vehicle—*
 (a) *List A.* A certificate for any grade or type of tire or tube, or for recapping service may be granted only for a commercial motor vehicle which meets the applicable conditions of Secs. 1315.501 and 1315.504, and which is used exclusively for one or more of the following purposes: . . .

“(9) Transporting workers (including executives, technicians, or office workers) to, from, within or between the establishments or facilities listed below, where other practicable means of transportation are not available: . . .

“(ii) Establishments or facilities of common carriers, or other carriers performing services essential to the community or to the war effort; or plants engaged in the production or distribution of light, power, electricity, gas, steam or water; or irrigation, drainage, flood control, or sanitation systems; or telephone, telegraph, radio, or other communication systems; or construction projects.”

Gasoline Rationing

Under the Mileage Rationing: Gasoline Regulations, applicants for the Basic Ration (Class A coupon books) must state the serial numbers of all tires mounted (including one spare) on the vehicle for which the application is made, and the number and serial number of other passenger-type tires owned by him or by any person living in his household and related to him by blood, marriage or

adoption, other than tires required to be otherwise reported.

Applications for supplemental rations are governed by Sections 1394.7703-5, which read as follows:

“Sec. 1394.7703. *Application for supplemental ration.*
 (a) Application for a supplemental ration may be made to a Board on or after November 12, 1942, on Form OPA R-535, by the owner or a person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be signed by an agent.

“(b) An applicant shall establish the average monthly occupational mileage driven within the continental United States and required for each of the following purposes, for the three-month period beginning with the date on which such ration is required:

“(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;

“(2) Driving in the course of such principal occupation;

“(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

“(c) In the event that two or more passenger automobiles for which supplemental rations are desired, are owned by persons living in the same household and related to each other by blood, marriage, or adoption, all applications for supplemental rations for such vehicles shall, except for good cause shown, be submitted at the same time to the same Board. Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of Sec. 1394.7704, a separate application for a supplemental ration shall be made for each such vehicle. Each such application shall include only the mileage driven in the vehicle for which it is made and, if such vehicles are all within the jurisdiction of one Board, all such applications must be submitted to it at the same time. If such vehicles are within the jurisdiction of different Boards, each application must be accompanied by duplicate copies of the applications for other vehicles used in such ride-sharing arrangement, and such duplicate copies shall show, if possible, the action taken by the respective Boards on the originals thereof.

“Sec. 1394.7704. *Allowance of mileage.* (a) Except as provided in paragraph (c) of this section occupational mileage shall be allowed by a Board for a purpose specified in paragraph (b) of Sec. 1394.7703 if the applicant establishes, in connection with the use of the vehicle for that purpose, either:

“(1) That a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations and that transportation is needed for such purpose: *Provided*, That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

“(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

“(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

“(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or overcrowded conditions, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is

needed, or for such other reasons as the Board may find sufficient.

"(3) In the event the applicant or principal user is employed at a power generation or transmission facility, public utility, transportation or communication facility, or agricultural, extractive, industrial, military or naval establishment at which more than one hundred (100) persons are employed, the application, if made for a ration to be used for transporting such applicant or principal user to and from such place of employment, must be certified as indicated thereon by an official in charge of an organized transportation plan at such establishment.

"(4) In the event application is made for a supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, the application must be certified, as indicated thereon, by a responsible official of the organization, if any, for or under the direction of which the work is performed.

"(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving within the continental United States for any of the purposes listed in paragraph (b) of Sec. 1394.7703 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for the three-months' period specified in paragraph (b) of Sec. 1394.7703 and shall issue a supplemental ration, in accordance with the provisions of Sec. 1394.7705, to provide such mileage: *Provided*, That the Board may not allow an average of more than 470 miles per month for any occupational mileage other than preferred mileage as defined in Sec. 1394.7706. The Board may allow an average mileage in excess of 470 miles per month only if such excess consists of such preferred mileage.

"(c) A Board having jurisdiction over an area which is adequately served by subway, elevated railroad, or railroad commutation service shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant establishes that the use of such subway, elevated railroad, or railroad commutation service would not be reasonably adequate for the purpose for which such mileage is claimed.

"(d) The Board shall deduct from the mileage it allows for a passenger automobile, in accordance with Paragraph (b) above, 150 miles per month for each additional passenger automobile (other than a fleet passenger automobile) owned by the applicant or by any person living in his household and related to him by blood, marriage or adoption, if the Board finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the supplemental ration is sought. No such automobile shall be deemed available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor shall such automobile be deemed available to the applicant during the effective period of a supplemental ration issued to another person whose mileage allowance was reduced on account of such automobile."

"Sec. 1394.7705. *Issuance of supplemental rations.* (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with Sec. 1394.7704.

"(1) In the case of a passenger automobile, the Board shall issue:

"(j) In the event that the mileage allowed by the Board is 470 miles per month or less: one Class B book having the valid period specified in Table I for the mileage allowed:

"(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of Sec. 1394.7704 exceeds 470

miles per month: one or more Class C books bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table II for the mileage allowed.

"(2) In the case of a motorcycle: one or more Class D books (to be marked 'Supplemental') bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table I, if the mileage allowed is 470 miles per month or less, or specified in Table II, if the mileage allowed is in excess of 470 miles per month.

"(b) The Board shall remove and cancel all coupons in Class C or Class D books in excess of the number to be issued hereunder.

"(c) For the purpose of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles and a motorcycle 40 miles, per gallon of gasoline.

"(d) No supplemental ration shall be issued by a Board unless the applicant certifies that the registered owner, or his agent, has certified that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle or by any person living in the household of such owner and related to him by blood, marriage or adoption, other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment; and no person shall be entitled to a supplemental ration if, at the time of issuance, the registered owner or any person living in his household and related to him by blood, marriage or adoption owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

"TABLE I¹—DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION

(For vehicles with an allowed mileage of more than 150 but not more than 470 miles per month)

Passenger automobile		Motorcycles		
Allowed mileage	Valid period of "B" book, in months and weeks		Allowed mileage	Number of coupons to be issued in Supplemental "D" book
	(Months)	(Weeks)		
0-150	(No "B" book)		0-150	(No Supplemental "D" book)
151-230	12	.....	151-170	1
231-246	10	.....	171-190	2
247-270	8	.....	191-210	3
271-287	7	.....	211-230	4
288-310	6	.....	231-250	5
311-324	5	2	251-270	6
325-342	5	.....	271-290	7
343-363	4	2	291-310	8
364-390	4	.....	311-330	9
391-406	3	3	331-350	10
407-424	3	2	351-370	11
425-445	3	1	371-390	12
446-470	3	.....	391-410	13
			411-430	14
			431-450	15
			451-470	16

¹ To be used only for vehicles entitled to basic rations.

"TABLE II¹—PASSENGER AUTOMOBILES OR MOTORCYCLES
Determination of Amount of Supplemental Ration
(For vehicles with an allowed mileage of more than 470
miles per month)

Allowed mileage. (All in excess of 470 miles per month must be preferred mileage):	Number of Coupons (Class "C" or Supplemental Class "D" Book)
471-490.....	17
491-510.....	18
511-530.....	19
531-550.....	20
551-570.....	21
571-590.....	22
591-610.....	23
611-630.....	24
631-650.....	25
651-670.....	26
671-690.....	27
691-710.....	28
711-730.....	29
731-750.....	30
751-770.....	31
771-790.....	32
791-810.....	33
811-830.....	34
831-850.....	35
851-870.....	36
871-890.....	37
891-910.....	38
911-930.....	39
931-950.....	40
951-970.....	41
971-990.....	42
991-1,010.....	43
1,011-1,030.....	44
1,031-1,050.....	45
1,051-1,070.....	46
1,071-1,090.....	47
1,091-1,110.....	48

¹ To be used only for vehicles entitled to basic rations.

In the event allowed mileage exceeds 1,110 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,110 miles. Additional books may be issued if necessary to provide additional coupons."

Further gasoline rations (Class C coupon books) are obtainable when the mileage is necessary for the carrying out of certain purposes; this is deemed "preferred mileage." Under Sec. 1394.7706 (o) (2) workers in the radio industry, other than salesmen, are eligible for preferred mileage. That section reads as follows:

"Sec. 1394.7706 *Preferred mileage.* The mileage driven in a passenger automobile or motorcycle by the owner or a person entitled to the use thereof, necessary for carrying out one or more of the following purposes, shall be deemed preferred mileage: * * *

"(o) By a worker, including an executive, technician or office worker (but excluding a person while engaged in promotional, merchandising, sales, landscaping or decorating activities, wholesale or retail delivery, and a member of the armed forces of the United States or military forces organized pursuant to section 61 of the National Defense Act, as amended), for travel to, from, within or between the establishments or facilities listed below, for purposes necessary to the operation or functioning of such establishment or facilities. * * *

"(2) Establishments or facilities of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in the production or distribution of light, power, electricity, gas, steam, or water; or of irrigation, drainage, flood con-

trol or sanitation systems; or of telephone, telegraph, radio or communications systems."

SALARY ADJUSTMENTS

The War Labor Board on November 6 issued a statement on its general policy toward *wage* adjustments under President Roosevelt's stabilization order of October 3.

Although this statement did not cover *salaries* specifically, it may be assumed that the Board's policy toward *salaries* under the order of October 27 will be approximately the same.

Permission to make any *general* salary (or wage) adjustments should be referred to your nearest *Wage and Hour Division* office. This office then will refer the case to the nearest regional office of the *War Labor Board*.

Individual adjustments, within certain limits, may be made without any official approval. For these limits see Sec. 4001.6 of the Order of October 27. (NAB REPORTS, p. 620.)

The text of the War Labor Board's statement:

The policy directive given the National War Labor Board by Congress and by the President is clear. Under that directive, the board will act on the presumption that wage rates prevailing on September 15, 1942, are proper. The board will grant wage increases over the level prevailing on September 15, 1942, only in exceptional cases and in accordance with the following paragraph of Executive Order No. 9250 of October 3, 1942:

"The National War Labor Board shall not approve any increases in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities or to aid in the effective prosecution of the war."

The National War Labor Board will examine carefully each claim for such exceptional treatment before approving any increase. In considering specific cases, the board will be guided by the following general principles. The application of these principles by regional directors will be subject to all general orders of the board and to its announced rules of procedure.

1. Maladjustments.

If a group of employees has received increases amounting to 15 per cent in their average straight-time rates over the level prevailing on January 1, 1941, the board will not grant further increases as a correction for maladjustments.

Beginning about January 1, 1941, a race between wages and prices began. Between that date and May, 1942, when the President's seven-point program to stabilize the cost of living was announced, the cost of living had risen 15 per cent as measured by the general index of the Bureau of Labor Statistics.

In the same period, very considerable but varying increases in wage rates were made. The irregularity of wage increases caused many maladjustments in the wage relationships between different plants and industries. A substantial majority of industrial workers had received more than 15 per cent increase; some had received less.

To correct these maladjustments the board will consider requests for general increases in straight-time rates up to 15 per cent above the level prevailing on January 1, 1941. This policy sets a terminal point for general wage increases. It is not applicable to individual workers or to employees in particular job classifications. It will be applied only to groups composed of all the employees in a bargaining unit, in a plant, a company, or an industry, depending upon the circumstances of each case.

Adjustment of wage rates to correct maladjustments may be made by regional directors; provided, however, that their authority in this regard will be limited to cases arising in those industries which have been specifically designated by the board, and if in the judgment of a regional director a wage adjustment for the correction of a maladjustment would act to destabilize wages, the case shall be referred by him to a tripartite regional panel.

A list of designated industries is attached hereto and may be enlarged or modified by the board from time to

time. Any proposed wage adjustments in industries not listed must be referred to the National War Labor Board at Washington for action.

2. Inequalities and gross inequalities.

The wage rate inequalities and the gross inequalities which may require adjustment under the stabilization program are those which represent manifest injustices that arise from unusual and unreasonable differences in wage rates.

Wage differentials which are established and stabilized are normal to American industry and will not be disturbed by the board.

The board itself will review cases where evidence is submitted to show that existing differences in wage rates are so discriminatory as to make their continuance a manifest injustice. Such evidence may be submitted to the regional director. If the regional director is satisfied that the evidence submitted so justifies, the claim may then be transmitted to the National War Labor Board in Washington for consideration.

3. Substandards of living.

In the President's message of April 27, 1942, and again in the executive order of Oct. 3, 1942, the word "substandard" is used with reference to the need for eliminating substandards of living. The National War Labor Board has dealt with but a very few cases in which the substandard issue has been a factor. Therefore the board is not in a position at this time to enunciate a general policy to govern the adjustment of wages to eliminate substandards of living. The board will not undertake to measure substandards of living by any fixed wage rate.

Such cases involving substandards of living as may arise will be considered by the board on their individual merits until sufficient experience has accumulated to permit the statement of a more general policy.

4. Effective prosecution of the war.

Under Executive Order 9250, the National War Labor Board may approve any increase of the wage rates prevailing on Sept. 15, 1942, if such an increase is necessary "to aid in the effective prosecution of the war." Every adjustment in Sept. 15, 1942, wage levels that the Board may make will be, in its judgment, for a more effective prosecution of the war.

The National War Labor Board will not approve wage increases for the purpose of influencing or directing the flow of manpower.

When in a particular case management and labor, in cooperation with the War Manpower Commission and other government agencies, have taken concerted action to solve a manpower need, the board will consider a request in that case to correct whatever inequalities or gross inequities may then need correction.

Programs for Victory

SCHOOLS AT WAR

WBIG, Greensboro, North Carolina, launched, on November 10, a new program "Schools at War" which will continue for one-half hour weekly through May 4.

Some 200 school children from the first grade through high school will participate in the program. And 21 public schools will be represented.

Each broadcast of the series will show practical education in concrete action.

KIDS BUY \$265,000 WORTH

Last week's NAB REPORTS carried the account of "Commando Corps of the Court of Honor" at WKBW-WGR, Buffalo.

Jack Gelzer now reports that as of November 8 total dollar sales, not pledges, have passed the \$265,000 mark.

MORE TUBES FOR HOME SETS

WPB has just authorized an increase in the manufacture of radio tubes for home receivers according to word from Frank McIntosh, Chief, Civilian Radio Section.

This constructive action was taken immediately after a field check-up revealed that some high demand tubes, in certain sections of the country, were inadequate for current needs. The increase is in line with Mr. McIntosh's statement to NAB, October 20, that WPB would make tubes and parts available in order to maintain domestic broadcasting.

The delay in restoring tube inventory to wartime proportions will be measured by the time required for fabricating the released nickel, manufacturing tubes and getting them to consumers.

Since all set failures are not due to tubes, a considerable amount of repair work will continue as usual. A "Victory" line of component parts which sharply reduces the size of required inventory is expected to be in production very soon. A meeting of parts manufacturers and WPB officials, November 17, is expected to iron out remaining details.

TOP PRIORITY IN 1943

Broadcasting will have a top priority rating of AA-1 for repairs and replacements beginning New Year's Day, 1943.

This was disclosed in Washington this week when WPB announced a change in basic industrial strategy. Heretofore, Army and Navy have enjoyed the AA-1 and AA-2 priorities. The view now held by WPB is that victory also depends upon keeping the "Nation's civilian economy in a healthy condition."

Said WPB in part . . . "Communication and transportation systems, gas, oil and water lines and other services will be assured of materials to keep them performing their essential functions."

The present technique for securing materials and parts for broadcast stations remains in effect.

TRAINS WOMEN TECHNICIANS

Edward Whitlock, manager, WRNL, Richmond, is engaged in a program of training women technicians. The three, Mrs. Dorothea Brown and Mrs. Ruth Dorin have been housewives for the past ten years, while the third, Miss Terry Teal, is a recent college graduate.

For six hours each week the girls study in one of the ESMWT courses. The balance of their time is spent either at the station or the transmitter, under the tutelage of Walter Selden, WRNL Chief Engineer.

MARABLE JOINS WMBD

James Marable, formerly of the Chicago Civic Orchestra, Richard Czerwonky's University of De Paul orchestra and the American Opera Company, has now joined the string ensemble of station WMBD. Mr. Marable has studied with Walter Brauer, one of Chicago's leading cello teachers.

HOW TO BUY BLANK DISCS

Several broadcasters have made inquiries concerning Order P-133, with special reference to "5," which omits discs.

How To Do It

Blank discs for broadcasters may be purchased by either or both of the following methods:

(a) If broadcasters buy blanks direct from manufacturer, use Form PD-1A and file with WPB.

(b) If broadcasters buy blanks from a distributor, no priority is required.

UNITED CHURCH CANVASS NOV. 15

The United Church Canvass, with sixteen denominations and creeds, Christian and Jewish, has set aside the period, November 15 to December 8, to focus the attention of the Nation on the importance of church participation and to urge financial support for local community church appeals and the work among civilian population in war torn countries.

Charles E. Wilson, vice chairman WPB, is chairman of the Sponsors' Committee.

Niles Trammell, president of NBC, is chairman of the radio group.

Among those serving with Mr. Wilson are Herbert Hoover, Wendell Willkie, William Green, A. F. of L. head; James L. Kraft, president of the Kraft-Phenix Cheese Corporation; Supreme Court Justice Owen J. Roberts, Mrs. Maurice L. Golden, president of the National Council of Jewish Women; Judge Florence E. Allen of Cleveland, and Charles P. Taft, Assistant Coordinator of the Federal Security Agency.

NEW BWC PUBLICATION

PROTECTION AND OPERATION OF DOMESTIC BROADCAST STATIONS IN WARTIME is the title of a new restricted publication now being mailed to all licensees of standard broadcast stations by the Board of War Communications.

This material has been in preparation for sometime by the Domestic Broadcast Committee IV, of the Board of War Communications. It is suggested that station managers and chief engineers carefully study the contents of this very important manual.

WPB ADVISORY COMMITTEE

Formation of a Radio and Radar Industry Advisory Committee has been announced by WPB, Division of Industry Advisory Committees, Ray Ellis, of the Radio and Radar Branch, is the Government Presiding Officer.

Committee members are: Max Balcom, Sylvania Electric Products, Inc., Emporium, Pennsylvania; M. Cohen, F. W. Sickles Company, Springfield, Massachusetts; W. P. Hilliard, Bendix Radio, Baltimore, Maryland; W. F. Hosford, Western Electric Mfg. Company, New York; E. E. Lewis, Radio Corporation of America, Camden, New Jersey; Percy L. Schonen, Hamilton Radio, New York; Al Wells, Wells-Gardner Company, Chicago, Illinois.

P-I DEALS

Vanderbie & Rubens, Inc., Chicago, Ill., offers a P-I deal on behalf of the Walton School of Commerce.

The Herald Advertising, San Antonio, Tex., seeks P-I business to sell "Oro-Sol Eye Drops."

The Tax Digest, New York City, attempts to break down established radio advertising practices by urging the sale of Modra's "1943 Income Tax Guide" on a per-inquiry basis.

United Advertising Companies, Chicago, Ill., now adds the National Birth Certificate Advisory Service to their long P-I list.

Washington Brothers, Washington, D. C., are offering broadcast stations the "privilege" of selling "quality merchandise" at contingent rates.

GOVERNMENT TAKES WRUL

The government has taken possession of WRUL, Boston, according to an official statement issued by Elmer Davis

of OWI and James Lawrence Fly of FCC. The official statement says:

"Because of the need of having all short wave facilities available to the government before offensive action by American troops started in the European theater, the War Communications Board on Thursday of last week took possession of station WRUL, Boston, and made those facilities available to the Office of War Information.

"Fair compensation for use of these facilities will be determined in accordance with the statutory provisions which provide for government use of such facilities."

IRE FIVE-POINT WARTIME PROGRAM

To meet the wartime needs and obligations of the Institute of Radio Engineers, a 5-point war program was announced by Arthur F. Van Dyck, President of the IRE, at a meeting of the Institute, in Rochester, N. Y., on November 9.

The program follows:

1. Aid in allocation of manpower to improve the war effort.
2. Aid in standardization and simplification of parts and equipment in radio material used by the Armed Forces.
3. Broaden the scope of operations to include new applications of radio, which may be called electronics or radionics.
4. Streamline the IRE organization to operate at maximum efficiency.
5. Conduct post-war planning for radio and radionics, particularly television.

Stressing the extraordinary importance of radio in the war, Mr. Van Dyck said that to the radio engineer must go credit for developments which have greatly enhanced the communication of planes, ships, and tanks, as well as that of the infantry. He pointed to the increased utilization of radio made possible by new devices, many of which must remain military secrets until after the war.

"Radio engineers are devoting time and overtime in helping to win the war," said Mr. Van Dyck. "They will be entitled to good vacations when it is over, but even then they are not likely to get any time to rest up. The Armistice of this war will be heralded by radio loudspeakers all over the world, and will mark not only the end of the conflict but the beginning of a new period in which radio engineers will find it a vital duty to translate radio war developments to peacetime benefit as rapidly as possible."

NAB Director of Engineering, Howard S. Frazier, attended the meeting.

WAR CONTRACTORS ADVERTISING EXPENSE

Supplementing the article on the deductibility of advertising expenses on corporate income tax returns, the following release has only limited significance as it applies only to advertising expenditures by War Contractors as costs in Cost-plus-fixed-fee Contracts and such expenditures as part of overhead and management expenditures on Fixed-price Contracts.

The Procurement Policy Committee of WPB has recommended the uniform adoption of the policies set forth below in regard to expenditures for advertising by War Contractors:

Advertising Expenditures as Costs in Cost-plus-fixed-fee Contracts

As a general rule advertising is an inadmissible item of cost, on the reasoning that advertising is not required in order to do business with the Government. However, certain kinds of advertising of an industrial or institutional character, placed in trade or technical journals, not primarily with the object of selling particular products but

essentially for the purpose of offering financial support to such trade or technical journals, because they are of value for the dissemination of trade and technical information for the industry are not really an advertising expense to effect sales so much as an operating expense incurred as a matter of policy for the benefit of the business and the industry.

Other Advertising Expenditures

Advertising expenditures done and paid for out of the contractor's fee on cost-plus-fixed-fee contracts, or as part of overhead and management expenditures on fixed-price contracts, are subject to review by the Price Adjustment Boards when they consider the broad question of company-wide excess profits on war business.

A reasonable expenditure for advertising shall be allowed by these boards even though a company shall be substantially or wholly engaged in war production.

The definition of "reasonable expenditure" to be followed by the Price Adjustment Boards is contained in a recent statement made by the Secretary of the Treasury as follows, "the test of whether expenditures for advertising are deductible is whether they are ordinary and necessary and bear a reasonable relation to the business activities in which the enterprise is engaged. This is not intended to exclude institutional advertising in reasonable amounts or good-will advertising calculated to influence the buying habits of the public. If such expenditures are extravagant and out of proportion to the size of the company or to the amount of its advertising budget in the past, or if they are not directed to public patronage which might reasonably be expected in the future, such payments will be disallowed as deductions."

When an industry has been substantially or wholly converted to war production, the Price Adjustment Boards will recognize that the amount of advertising expenditure necessary to maintain a trade mark or brand name of a product in the public consciousness is much smaller than that required for promotion of the same product in a normal competitive market.

919 STATIONS

During the month of October, 1942, the Federal Communications Commission granted no permits for the construction of new stations. Operating licenses were issued to two stations. A comparative table by month follows:

	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1
Operating	877	882	887	891	893	897	899	906	906	905	905	907	909
Construction	38	37	36	32	31	27	25	18	19	16	15	12	10
	915	919	923	923	924	924	924	924	925	921	920	919	919

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, November 16. They are subject to change.

Thursday, November 19

WMRO—Martin R. O'Brien, Aurora, Illinois.—Modification of license, 1280 kc., 100 watts night, 250 watts day, unlimited.

Consolidated Hearing

WALB—Herald Publishing Company, Albany, Ga.—Renewal of license, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Company (Assignor); Albany Broadcasting Company (Assignee), Albany, Ga.—Voluntary assignment of license of Station WALB, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Company, Albany, Ga.—C. P., 1550 kc., 1 KW, DA-night, unlimited.

Friday, November 20

WKBW—Buffalo Broadcasting Corporation, Buffalo, N. Y.—Renewal of license (main and auxiliary), 1520 kc., 50 KW, unlimited, DA-day and night.

WGR—Buffalo Broadcasting Corporation, Buffalo, N. Y.—Renewal of license (main and auxiliary), 550 kc., 1 KW, night, 5 KW day, unlimited, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WIAC—Enrique Abarca Sanfeliz, San Juan, Puerto Rico.—Granted modification of license (B-ML-1138) to change main studio location from San Juan to Hato Rey, Puerto Rico.

KROC—Gregory P. Gentling (deceased), Transferor; Agnes P. Gentling (executrix of estate of Gregory P. Gentling, deceased), Transferee, Rochester, Minn.—Granted consent to transfer of control (B4-TC-310) of Southern Minnesota Broadcasting Co., licensee of station KROC, from Gregory P. Gentling (deceased) to Agnes P. Gentling, his widow.

Voice of Christian Youth, Detroit, Mich.—Granted authority to transmit for broadcasting to station CKLW, Windsor, Ontario, Canada, religious programs to be originated in the sanctuary of the Wesley Methodist Church, Detroit.

W53H—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted license (B1-LH-14) to cover construction permit (B1-PH-12) for high frequency (FM) broadcast station; 45300 kc., 6100 square miles.

DESIGNATED FOR HEARING

The Fort Hamilton Broadcasting Co., Hamilton, Ohio.—Designated for hearing application for construction permit (B2-P-3469) for a new station to operate on 1450 kc., with power of 250 watts, unlimited time.

Eastern Broadcasting Co., Inc., Huntington, L. I., N. Y.—Designated for hearing application for construction permit (B1-P-3277) for a new station to operate on 1520 kc., 1 KW, limited to WKBW.

MISCELLANEOUS

WMIS—Natchez Broadcasting Co., Natchez, Miss.—Passed motion to take depositions in re applications of WMIS and WGRM for renewal of licenses.

WGRM—P. K. Ewing, Greenwood, Miss.—Passed motion to take depositions in re applications of WMIS and WGRM for renewal of licenses.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted motion for order to take depositions in re application for construction permit (Docket 6309).

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted petition for leave to amend application for construction permit (to move to site originally proposed) and to reopen record for further hearing to be held December 4, in re applications of WGAR, WHBC and WADC.

KFXM—J. C. Lee and E. W. Lee (Lee Brothers Broadcasting Co.), San Bernardino, Calif.—Granted petition to amend application for construction permit (to request only a modification of license to change hours of operation to unlimited) and remove from hearing docket.

Northeastern Penna. Broadcasters, Inc., Wilkes-Barre, Pa.—Referred to the full Commission petition to hold further hearing at Wilkes-Barre, Pa., in re applications for a new station at that place.

WORK—York Broadcasting Co., York, Pa.—Granted petition to continue to December 16 the hearing now scheduled for November 16, in re application for modification of construction permit.

KWFT—Wichita Broadcasting Co., Wichita Falls, Texas.—Denied petition to discontinue further proceedings in re application for modification of license.

WBYN—WBYN-Brooklyn, Inc., Brooklyn, N. Y.—Granted motion to dismiss without prejudice application for modification of license.

WHEB—R. G. LeTourneau, Transferor; The LeTourneau Foundation, Transferee, Portsmouth, N. H.—Granted motion to dismiss without prejudice application for transfer of control of station WHEB.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted petition to dismiss application for construction permit (B4-P-3459).

KXXK—First National Television, Inc., Kansas City, Mo.—Adopted order denying as in default the application for renewal of license of station KXXK (1590 kc., 1 KW, unlimited), and terminated temporary license heretofore issued pending hearing and decision on application. Applicant failed to enter an appearance for hearing on October 5. On October 7 the Commission was advised the corporation was without funds to continue operation of station.

WLW—The Crosley Corp., Cincinnati, Ohio.—The Commission on its own motion adopted an order to supplement issues in re application for modification of license (Docket 6341) for authority to operate station with 50 KW night, 500 KW local sunset, using transmitter of experimental station W8XO, on which a hearing is scheduled for November 26, 1942.

Northeastern Penna. Broadcasters, Inc., Wilkes-Barre, Pa.—Denied petition for leave to hold further hearing at Wilkes-Barre in re applications of Wilkes-Barre Broadcasting Corp., Central Broadcasting Co., Key Broadcasters, Inc., and the applicant, for a new station in that city, provided, however, that after the hearing has been concluded in Washington a further hearing for the taking of additional testimony may be adjourned by the presiding officer to Wilkes-Barre, if the following showing is made under oath, to the reasonable satisfaction of the presiding officer: (1) the name and address of each person whose testimony is desired to be taken; (2) the specific subject matter concerning which each witness is to testify and that such testimony is relevant, competent, and not unduly cumulative, and (3) the reason or reasons why each witness is unable to attend a session of the hearing in Washington.

WRET—Ralph A. Horton (Portable-Mobile), area of Ft. Lauderdale, Fla.—Granted license to cover construction permit for new relay broadcast station (B3-LRE-422).

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Granted authority to install automatic frequency control equipment (B5-F-249).

WEGR—Westinghouse Radio Stations, Inc. (Portable-Mobile), area of Philadelphia, Pa.—Granted license to cover construction permit for new relay broadcast station (B2-LRE-423).

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted modification of construction permit (B3-P-3043 as modified, which authorized change of frequency, increase power, directional antenna day and night, and move of transmitter) for extension of completion date to January 6, 1943 (B3-MP-1664).

APPLICATIONS FILED AT FCC

570 Kilocycles

WMAM—M and M Broadcasting Co., Marinette, Wis.—Modification of license to change hours of operation from daytime to unlimited time, with power of 100 watts night, 250 watts day.

950 Kilocycles

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

1170 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Modification of construction permit (B3-P-3098, which authorized change in frequency, increase in power, change hours of operation, and install directional antenna for night use) for approval of directional antenna system for night use.

1370 Kilocycles

WSAY—Brown Radio Service and Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Modification of construction permit (B1-P-2924), which authorized change in frequency, increase in power, installation of directional antenna, new transmitter and move of transmitter for change in transmitter location, change in type of transmitter and changes in directional antenna. Amended: re changes in directional antenna for night use.

1390 Kilocycles

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Modification of construction permit (B5-P-3096 as modified), which authorized installation of new equipment, increase in power, installation of directional antenna for night use, and move of transmitter for extension of completion date from 11-12-42 to 12-12-42.

1400 Kilocycles

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyoming.—Transfer of control of licensee corporation from R. R. West to Marjorie Lannen McCracken (99.96%).

MISCELLANEOUS APPLICATIONS

NEW—General Electric Co., San Francisco, Calif.—Construction permit for a new special relay broadcast station to be operated on 31220, 35620, 37020, 39260 kc., 75 watts, A3 emission. Amended: to request change in frequencies to 30820, 33740, 35820, and 37980 kc.

WNYE—Board of Education, City of New York, Brooklyn, N. Y.—License to cover construction permit (B1-PEI-18) as modified, which authorized changes in equipment, frequency, power and emission.

WBEZ—Board of Education, City of Chicago, Chicago, Ill.—Modification of construction permit (B4-PEI-22 as modified), which authorized construction of a new non-commercial educational broadcast station for extension of completion date from 12-7-42 to 3-7-43.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

International Trustees, 217 East 3d St., Des Moines, and Spiegel, Inc., 1061 West 35th St., Chicago, is charged in a complaint with operating a deceptive "trust fund" scheme to collect delinquent accounts for Spiegel, Inc., which does a mail order business in household furnishings and other merchandise. (4863)

National Lacquer Manufacturing Co., and trading as National Titanium Co., Vernon, Calif., selling and distributing paint and paint products, is charged in a complaint with misrepresentation. (4864)

Scotch Woolen Mills, Chicago, is charged in an amended and supplemental complaint with misrepresenting the nature and extent of its business and the source of the woolen cloth used in the "made-to-measure" clothing it manufactures. (940)

Valmor Products Co., Famous Products Co., and Madam Jones Co., 2241 Indiana Ave., Chicago, advertising, selling and distributing various medicinal preparations and cosmetics, is charged in a complaint with false advertising and misrepresentation. (4866)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Di-Function Co., Inc., 2233 North Main St., Fort Worth, Tex., engaged in the manufacture and sale of a preparation designated "Di-Function", advertised as a treatment for diabetes, has been ordered to cease and desist from false advertising and misrepresentation. (4666)

Electro-Health Appliance Co., Los Angeles, engaged in the rental and sale of an electrical device designated "Electro-Health Short Wave Diathermy," has been ordered to cease and desist from false advertising and misrepresentation of its product. (4501)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Kimberly Gem Co., Inc., 503 Fifth Ave., New York, engaged in selling semi-precious stones designated "Zircons," has stipulated to cease and desist from representing that Zircons will cut glass or withstand all acid tests that diamonds will; through use of the word "Kimberly" as a part of its trade name, without full and plain disclosure of the true source of its Zircons, that its Zircons were imported from Kimberley, South Africa, or that Zircons are diamonds or any kind of a diamond. (03070)

Koto Cosmetic Co., 7039 Monticello St., Pittsburgh, stipulated that in the sale of preparations designated "Koto Cleansing Cream," "Koto Vanishing Cream" and "Koto Lemon-Almond Lotion" he will cease and desist from representing that any of these products has therapeutic value for skin troubles or is effective in preventing or curing blackheads, pimples, freckles, or wrinkles. (03069)

William H. Rorer, Inc., 254 South 4th St., Philadelphia, manufacturing a product for use as a fertilizer essentially of the well-known "5-7-5" type under the name "Plant Dinner," has stipulated in connection with the advertising, sale and distribution of the product, or any other product of substantially the same composition or possessing substantially the same properties, to cease and desist from representing that it is a "perfect all-purpose nutrient"; that it will afford "all the food" needed by a plant, regardless of its kind and the character of soil in which it is rooted; that it will provide a "full course meal" for plants generally, or any other representation of similar meaning tending to convey the belief that the product contains all such elements as to assure or provide that type of food or diet which is appropriate or best suited to the particular needs of each plant treated therewith. (3557)

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1626 K STREET, N. W.

WASHINGTON, D. C.

Vol. 10, No. 46, November 20, 1942

Petrillo Hearings Scheduled

Senator D. Worth Clark (D-Idaho), Chairman of the sub-committee of the Senate Interstate Commerce Committee, appointed pursuant to a Senate Resolution to investigate the activities of Mr. Petrillo and the American Federation of Musicians in banning recordings, announces that the hearings will get under way on Monday, December 7.

The sub-committee, in addition to Senator Clark, includes Senator McFarland (D-Arizona); Senator Tobey (R-New Hampshire); Senator Tunnell (D-Delaware); and Senator White (R-Maine).

NORRIS RESOLUTION COMMITTEE

Senator Wheeler (D-Mont), Chairman of the Senate Interstate Commerce Committee, this week appointed the following sub-committee to investigate the subject matter of the Norris Resolution (S. Res. 305,—see NAB REPORTS, October 16, p. 600): Johnson (D-Colo), Chairman; Hill (D-Ala); Tunnell (D-Del); White (R-Maine); Tobey (R-N. H.); and Reed (R-Kans).

No date has yet been set for the hearings.

MANNING TABLE PLAN

As a result of conferences with Selective Service officials this week in Washington, the NAB has reached the conclusion that the Manning Table Plan (See Supplement No. 2 to NAB Selective Service Handbook, dated November 13, 1942) is not well adapted to the radio broadcasting industry generally. It is designed to expedite the orderly withdrawal from industry into the army of workers in large industrial units. Based on 608 returns from the NAB Manpower Survey, it appears that the average radio broadcast station employs only 21 persons, and that the range is from 2 employees to only 132 employees. However, any station that believes the Manning Table Plan adapted to its deferment and training program is eligible to participate under the plan, and should communicate with the appropriate regional office of the War Manpower Commission as listed in Supplement No. 2.

NAB MANPOWER SURVEY

NAB staff members have held frequent conferences with officials of National Headquarters of Selective Service. Two important ones, on Monday and Thursday of this week, pertained to the facts developed by the NAB Manpower Survey. Selective Service officials are greatly impressed by the survey, not only for the information produced in

tabulation, but also by the individual questionnaires which have been submitted to Selective Service with express approval of individual stations in connection with the consideration of appeals.

The manpower questionnaire was sent to all 919 broadcast stations licensed by the Commission. To date, 667 replies have been received. This represents a 73% response. The tabulation was made commencing October 20, utilizing 615 stations. The survey shows that on October 19, 1940, the average station employed 22,482 persons. On September 15, 1942, the station average had dropped to 21,087. The employment of men by stations dropped from 18 to 16. Employment of women rose from 4,385 to 4,952. In the two-year period, all station employment decreased 6.2%; a 10.9% decrease for men and a 12.9% increase for women.

In the two-year period 26.2% of the men employed by stations were lost to the armed services. Roughly, two-thirds of those going into the armed services enlisted or were ordered to active duty in reserve capacity. About 35% were drafted.

Considerable concern has been expressed over the migration of employees within the industry to other stations, other civilian employment, as well as to the armed services. The survey shows that 69.5% of the personnel employed at October 19, 1940, had left stations between that date and September 15, 1942. This means a movement of seven of every ten employees.

On September 15, 1942, 64.4% of all persons employed by stations were in draft ages 20 to 45 years. In addition, boys of ages 18 and 19 constituted 4.3% of all employees, bringing the present percentage within draft age to 68.7%. A selective service classification of those within ages 20 to 45 years on September 15th as expressed in percentages shows men classified in 1A or 1B to be 9.0%; those in 2A or 2B, 2.3%; those holding reserve commissions or awaiting call, 1.3%; classification 3A, 67.6%; classification 3B, 1.5%; classification 4, 9.5%; and not yet classified, 8.8%.

Stations classified as essential men to their operation only 19% of their employees. In terms of average employment per station, only 4 of 21 were listed as essential. In terms of actual figures as reported in the survey, 608 stations showed total employment of 12,821 and listed as "necessary men", 2,464. Of this number, 150 were in Selective Service classification 1A, 116 were in 2A or 2B and 1,958 in 3A or 3B. Approximately 67% of the men in 3A and 3B have dependent children. Thus it can be readily seen that a request of the industry to National Selective Service for deferment of essential employees involves an exceedingly small number of registrants.

Additional survey results will be presented in next week's NAB REPORTS. It is planned within the next two weeks to complete individual station tabulations to be sent to those stations cooperating in the survey. Each station will also receive tabulations for all stations in the state in which it is located and a copy of national summaries. Each NAB District Director will be provided with three copies of the summary of each state within his District. He will be asked to

(Continued on page 654)

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

NAB MANPOWER SURVEY

(Continued from page 653)

submit one copy to the State Director of Selective Service, one copy to the State Occupational Advisor of Selective Service, and retain one copy for his own files. National Selective Service headquarters has indicated that it feels it will be helpful to the State Director and to the Occupational Advisor to have this information at hand when advising local boards with respect to cases involving broadcasting personnel.

OWI RAIDING STATIONS

The following wire was received at NAB Headquarters from a New England broadcaster:

"We desire protest most vigorously against OWI procedure in sending representatives to technicians of small stations offering them high salaries and particularly draft exemptions to leave and take civil service jobs at some fifty new short wave government propaganda stations. Government is training thousands of technicians for themselves but now brazenly raids existing stations without consulting managements or considering consequences to stations. Yesterday Mr. Mack Bougere, chief technical director from New York office, interviewed our staff unknown to me and today formal letters arrived addressed to our men. We have barely enough licensed men now to keep on the air and are threatened with imminent loss of every man by draft or enlistment. We cannot train replacements unless we compel our chief engineer to drop his work teaching hundreds of enlisted men at government radio school here. Should he drop this just to train a few replacements for us? He now operates here at the station and also works eight hours daily teaching for government. How can he also train replacements for us? I consider this action of OWI as outrageous and it will put us off the air in short order. Can you take this matter up for us?"

OWI was immediately contacted. In the absence of William B. Lewis, Chief of the Radio Bureau, the matter was discussed with his assistant, Douglas Meservey. This was followed up with a letter to him signed by Neville Miller's assistant, C. E. Arney, Jr.

"Pursuant to the telephone conversation which I have just completed with you, I am sending you herewith a copy of the telegram just received.

"I wish again to emphasize the serious situation growing out of this practice. Draft officials are realizing more and more the necessity for deferment of some of these technical men in radio stations. We have every reason to believe that henceforth radio stations will not be subjected to the severe drain on manpower in the technical field which has marked the operation of the draft heretofore. With this problem solved we feel the small operators are measurably protected.

"If, however, the OWI Overseas Division is going to seek to take these men away from stations as indicated by this station operator, I can foresee a severe curtailment of domestic broadcasting. I have no hesitancy in saying to you I consider this a most serious problem.

"As a first step I think it would be highly desirable if whoever is in charge of the recruiting for the technical

staff for the Overseas Division would contact the managements of the stations first to ascertain the situation which exists in the stations. There is no need to emphasize the fact that radio broadcasters have, without exception, demonstrated their very sincere desire to cooperate with the war effort, in every way, including the surrender of some of their necessary personnel. But if OWI and the government are to continue to call upon stations to perform the communications job which they are asking of it, some steps must be taken to preserve essential personnel.

"I hope you will give this early and earnest attention. We would like to be advised of what action is taken."

WPB ANNOUNCES VICTORY LINE OF REPAIR PARTS TO KEEP HOME SETS IN OPERATION

The tentative list of radio replacement parts to keep the nation's radio receivers in operation throughout the war was completed by WPB Nov. 19. This standardization of component parts is known as the Victory line, according to Frank McIntosh, Chief, Civilian Radio.

Tell the Trade About It

It is suggested that broadcast stations call the release of the Victory line information to the attention of their local radio trade, since it may be many weeks before the information reaches it through the monthly trade magazines in that industry.

The list of volume controls below will replace 2,700 types. The several types of dry electrolytic condensers will replace 357 types; the listed paper condensers will do the job formerly done by 300 types. The 200 types of transformers and chokes have been sharply reduced as indicated. Several other parts, not listed, are to be included in the Victory line of parts.

As far as tubes for home receivers are concerned, WPB has actually completed 95% of the work involved in solving this problem. In order to conserve material here it was necessary first to consume tubes on the shelves of the distributors so that a measured volume of tubes could be manufactured and handled within the limits of allowable material.

Victory line consists of

RADIO REPLACEMENT TYPES

Dry Electrolytic Condensers

Cap. Mfg.	Rated Voltage
25	50 volts
8	150 volts
20	150 volts
30	30 volts
40	150 volts
8	250 volts
20	250 volts
8	450 volts
8	8 volts
20	450 volts
30	450 volts

Paper Tubular Condensers

Cap Mfg.	Rated Voltage
.0001	600 volts
.00025	600 volts
.0005	600 volts
.001	600 volts
.002	600 volts
.005	600 volts
.01	600 volts
.02	600 volts
.05	600 volts
.1	600 volts
.25	600 volts

Transformers and Chokes

Power:

1. 350V @ 90 Ma. for 2.5V. Tubes—
to Service 6-9 Tube Radios
2. 350V @ 120 Ma. for 2.5V. Tubes—
to service 10-13 Tube Radios
3. 350V @ 70 Ma. for 6.3V. Tubes—
to Service 5-7 Tube Radios
4. 350V @ 120 Ma. for 6.3V Tubes—
to Service 8-11 Tube Radios
5. 350V. @ 150 Ma. for 6.3V. Tubes—
to Service 12-15 Tube Radios

Output:

1. 8 Watt Universal with Various Impedances
2. 18 Watt Universal with Various Impedances

Input:

1. Small 3:1 for AC-DC and many AC Radios
2. Large Universal with Split Secondary

Driver:

1. Tapped Universal Driver with 3 Popular Ratios

Choke:

1. 50 Ma. 300 Ohm Choke for most AC-DC Radios
2. 110 Ma. 200 Ohm Choke for 7-9 Tube AC Radios
3. 150 Ma. 200 Ohm Choke for 10-13 Tube AC Radios

Volume Controls

1. Shaft

- a. All shafts to be made of steel, either round or knurled as indicated for type listed below.
 - b. Round shafts to be milled with .218" flat.
 - c. Length of round or knurled shafts 2½" beyond ⅜" bushing (2½" overall length).
 - d. All shafts to be of the built-in or fixed type.
2. All universal controls are to be of the midget or junior type, approximately 1⅛" in diameter and are to be of the type that receive an adaptable switch.
 3. All accessories such as nuts, washers, ground terminals, and bias resistors packed with controls in the past are to be eliminated.
 4. Standardized line of untapped universal controls with fixed round shaft with flat, totaling 19 controls.

Resistance	Taper
5M ohms	Linear
10M ohms	Audio
10M ohms	Reverse
10M ohms	Linear
20M ohms	Audio
25M ohms	Linear
50M ohms	Audio
50M ohms	Reverse
50M ohms	Linear
100M ohms	Audio
100M ohms	Linear
250M ohms	Audio
250M ohms	Linear
500M ohms	Audio
500M ohms	Linear
1 Meg.	Audio
1 Meg.	Linear
2 Meg.	Audio
3 Meg.	Audio

5. Standardized line of tapped universal controls with fixed round shaft with flat, totaling 9 controls.

Overall Resistance	Tapped Resistance
250M ohms	110M
350M ohms	70M
500M ohms	100M
1 Meg.	300M
2 Meg.	5M
2 Meg.	15M
2 Meg.	600M
2 Meg.	900M
2.25 Meg.	250M and 500M

The tapped resistances given above are approximate. Any slight variance is acceptable.

Special Volume Controls

RCA Victor	4	Models	74524
RCA Victor	9	"	74526
Philco	15	"	74579
RCA Victor	4	"	74600
Zenith	22	"	75614
RCA	46	"	1210912
RCA	21	"	1210913
G. E.	4	"	F 163
Crosley	11	"	F 166
RCA	18	"	G 126
Zenith	20	"	K 180
Philco	28	"	R 103
Philco	8	"	R 105
Philco	22	"	R 115
Zenith	15	"	R 131
RCA	14	"	R 132
Mont. Ward	14	"	S 107
Zenith	1	"	S 116
Zenith	5	"	S 115
Zenith	7	"	S 118
Zenith	7	"	S 128
Zenith	15	"	S 129
Zenith	10	"	S 130
RCA	8	"	S 131
Zenith	7	"	S 135
Zenith	12	"	S 137
RCA	2	"	U 101
RCA	9	"	U 102
RCA	1	"	U 106
RCA	9	"	U 108
RCA	4	"	U 109
Zenith	4	"	U 104
RCA	25	"	1210900

DISTRICT 16 MEETING

The two-day meeting of District 16 of NAB opened in Los Angeles on Thursday morning, November 12, 1942, with District Director Calvin J. Smith of KFAC presiding. The opening day was devoted to a discussion of the problems of broadcasters during the war and to a study of the uses of broadcasting to further the war effort.

The opening day speakers included: Neville Miller, President of NAB; Robert Coleson, Western Division Radio Office of the War Department; Major John C. Winch, Marine Corps; Ralph Block, Regional Director, Ninth District, Office of Civilian Defense; Captain Gordon Snow, Selective Service Administration, Washington, D. C.; Carl Haverlin, Headquarters Consultant, and William Lewis, Chief, Radio Bureau, Office of War Information; Eugene Carr, Office of Censorship, Washington, D. C. At the close of the first day's sessions, Mr. Miller outlined the present status of the AFM-Petrillo problem and the NAB stand on the situation was unanimously endorsed by formal resolution of the broadcasters in attendance.

Luncheon on the opening day was highlighted by two talks: Mr. Miller ably outlined the war work of broadcasters to an appreciative audience that included many of the business and industrial leaders of Los Angeles; while Leo Carillo of stage and screen fame recited a pseudo-serious, highly amusing story of the early history of California. The second day was devoted to sales problems and a presentation of the Retail Promotion Committee Plan for the development of additional retail business for broadcasting stations. Toward the end of the morning meeting, Paul Barksdale d'Orr, State Regional Rationing Director, discussed the application of the gasoline rationing program to broadcasting personnel.

At the luncheon meeting on the second day, the noted orchestra leader, Kay Kyser, recounted his recent experiences in a series of performances for the armed forces. Mr. Kyser's moving appeal for an all-out offensive on the home front was enthusiastically received and applauded by an unusually large group of broadcasters and distinguished guests.

The meeting on the second day was presided over by Charles Storke of KTMS, while the discussion of sales problems was led by Lewis H. Avery of the NAB staff.

Those registered:

John L. Ackerman, KPAS; Joe Allbaugh, KFMB; Lewis Avery, National Ass'n Broadcasters; H. L. Blatterman, KFI; E. W. Buckalew, CBS; Ralph Block, Office Civilian Defense; Mark Brennenman, KFAC; Dean Banta, KERN; Frank Burke, Jr., KFVD; Matt Barr, KFI; Fox Case, KNX; Russ Clancy, Associated Press; Volney Cunningham, KFI; W. P. Casson, KFI; Robert Coleson, War Department; Eugene Carr, Office of Censorship; Merwin Dobyns, KGER; Bud Edwards, KFI; Harry Engels, BMI; Ernest Felix, KFI; Homer Griffith, KFMB; Dave Glickman, Broadcasting; Ensign George, U. S. Navy Recruiting; Richard Graham, NBC; E. J. Gough, SESAC & Treasury Department; Carl Haverlin, BMI-Office of War Information; T. P. Hunter, KGER; Duke Hancock, KGFJ; E. L. Hughes, KFVB; Cornwall Jackson, Office of War Information; Dean Jennings, Office of War Information; Jerry King, Standard Radio; Sgt. Kendall, U. S. Marine Corps; J. Livingston, Associated Program Service; Howard Langley, Office of War Information; Dick Lewis, KTAR; Sgt. Jerry McLain, U. S. Marine Corps-Phoenix, Ariz.; Wally McLain, KNX; C. P. MacGregor, C. P. MacGregor Recording Studios; Walter McCreery, Office of War Information; Don McNamara, KFI-KECA; Lawrence McDowell, KFOX; Neville Miller, NAB; George Moskovics, KNX; Chester Matson, Edward Petry & Company; Harry Maizlish, KFVB; Marshall Neal, KWKW; Van Newkirk, KHJ; Don Otis, KFAC; Murray Ostroff, KFVB; Richard Powers, ASCAP; Jennings Pierce, NBC; Howard Ray, KPRO; Dorothy Roe, KFI; Oma Rhodes, KFI; Calvin J. Smith, KFAC; E. L. Spencer, KVOE; Chas. Storke, KTMS; Clyde Scott, KFI; L. A. Schamplin, KPAC; Glenn Snyder, KOY; Le Roy Spencer, KFI; Sidney Strotz, NBC; Col. Gordon Snow, Selective Service; Hal Sawyer, U. S. Navy Recruiting; Bob Schuetz, NBC; Harold Safford, KOY; Winifred Scott, KFI-KECA; Lyman M. Smith, KMTR; Bartley Sims, KWJB; F. J. Smalley, KFVD; Don Thornburgh, KNX; Leo B. Tyson, Blue Network; Ken Thornton, KXO; R. O. Tinkham, KMTR; M. A. Vroman, KFVM; Jimmy Vandiveer, KFI; W. S. Wiggins, KVOE; Harry Witt, KNX; Jack Willen, Press; Sgt. Wheeler, U. S. Marine Corps; Major Winch, U. S. Marine Corps; Lee Wynne, KGER; Karl Wyler, KTSM.

MORE ABOUT P-133

Some questions have arisen from the broadcasting industry as to how Preference Rating Order P-133 operates and what materials can be secured under Preference Rating Order P-133.

A WPB informant answers these questions as follows:

First, it is desired to point out that Limitation Order L-183 has no connection with Preference Rating Order P-133. The questions most generally asked regarding the assignment of Preference Rating P-133 are questions as to just what particular items can be purchased with the rating of A-1-j assigned to the order by the operators of broadcast stations. The following can be purchased with a rating of A-1-j assigned by the stations, in accordance with the form printed in the order.

Material necessary for maintaining equipment in good working condition or for the repair or reconstruction or restoration, without expansion, improvement or change of design of any portion of an operator's buildings, structures and equipment when it has been rendered unsafe or unfit by wear and tear or other similar causes but *not* including reconstruction or restoration of any portion damaged or destroyed by fire, flood, tornado, earthquake, Act of God or the public enemy or theft or other complete demolition or loss.

The question asked in regard to such cases as lost or stolen remote amplifiers are answered by stating that the broadcast station must apply on Form PD-1A for replacement of equipment lost to service by such means as flood,

fire, etc. In this way, each individual unit needed to be completely replaced is considered on its particular merits.

The purchase of recording discs cannot be made with the assistance of a preference rating assigned under P-133. This is pointed out in the Order where it states under operating supplies that the word does not mean recording discs, film or other recording media. The purchase of recording discs, if made through regular jobbing channels, should be done without the aid of priority assistance, the jobber securing a rating to give to his manufacturer by means of application to the War Production Board on Distributors' Form, PD-1X. Should the station be accustomed to purchasing the blanks directly from the manufacturer, he must apply to the War Production Board for preference rating of A-3 on Form PD-1A.

If vacuum tubes are not available and will require a higher rating than A-1-j to secure, application must be made on a PD-1A Form to the WPB for an assignment of rating. In order to comply with the inventory requirements specified in P-133, it should be pointed out on the back of the PD-1A Application that the tubes asked for will not increase inventory above the minimum necessary spare tubes. Likewise, care should be taken to point out that all tubes above 25 watts in power will be returned to the manufacturer upon purchase of new tubes asked for as must also be done when applying an A-1-j rating under P-133.

Too much emphasis cannot be placed upon the apparent need for all station engineers to take every means possible to conserve equipment.

It may be desirable to point to a few examples:

A new air-conditioning unit cannot be purchased under P-133 as a means of conserving tube life. If you did not have the unit to operate before, you cannot purchase one now under the term "Maintenance."

New remote amplifiers cannot be purchased to take care of increased remote broadcasts by the simple assignment of A-1-j preference rating to the Order.

If an amplifier burns out a power transformer, clean the wax out of the tube sockets, clean up the chassis as best you can, replace the power transformer with one you secure under a P-133 assignment of A-1-j but DO NOT buy a new amplifier.

If the stations sell more remote broadcasts than you have fixed amplifiers to install, do not assume that a new one is necessary to "maintain" your station. If you cannot make one out of the junk-box, you will just have to carry the portable unit around more often.

And by the way, if you have portable battery operated units, you had better make up an adaptor harness to convert it to standard batteries, since under Limitation Order L-71, no more odd size batteries are being made and only standard sizes will be available when stocks are depleted.

NETS TO SUPREME COURT

The Federal statutory three-judge court in New York last Monday dismissed on the merits, and without taking evidence, the CBS and NBC suits against the Government seeking to annul the FCC's network regulations and to enjoin the Commission from enforcing them. The court continued the stay order until February 1, 1943, or until such earlier time as the Supreme Court hears the argument on the appeals which the networks have announced they will take to that court. Under the Urgent Deficiencies Act the networks have the right of direct appeal to the Supreme Court.

William S. Paley, President of CBS, issued the following statement concerning the decision:

"We will take immediate steps to bring the case before the Supreme Court, which earlier in the year reversed a prior decision of this Statutory Court on the question of jurisdiction in the same case. We believe any enforce-

ment of the proposed FCC rules would seriously jeopardize the vital role which network broadcasting is playing in the war effort, and we will vigorously defend our right to continue the nation wide service which we are rendering.

"The text of the Statutory Court decision seems to us to be based upon a narrow legalistic interpretation of the Communications Act with which we frankly disagree, and which wholly disregards the irreparable damage which might be done to American broadcasting. We are confident that no final determination of this case can ignore the fact that our present American system of broadcasting has produced the highest level of audience approval and of public service of any country in the world."

Niles Trammell, President of NBC, made the following statement:

"Steps will be taken immediately to perfect an appeal to the United States Supreme Court."

In response to requests for a statement, Chairman James Lawrence Fly of the FCC said: "The court's decision speaks for itself. I do not think any comment from me would be appropriate."

The opinion of the court in full is printed on pp. 659.

PHILADELPHIA TRAINING PROGRAM

To fill the vacancies in the ranks of broadcast technicians in the Philadelphia radio stations caused by the draft, enlistments in the Army and Navy, and departures to war industries, the Philadelphia Local of the American Communications Association proposed a training plan which calls for the cooperation of the Philadelphia radio station managements and the Board of Education.

At a meeting held November 16, 1942, in the studios of WFIL, representatives of the three groups went over details of the plan as presented by Charles C. Smith, Chairman of the Union Committee. The plan was unanimously adopted and will be placed immediately in operation.

The plan is applicable to two classes of trainees. The first class consists of persons who already hold operator's licenses but have had no practical experience in a radio broadcast station.

The second group of trainees will be those who have not yet had the theoretical course required for obtaining an operator's license.

In respect to the first group, the Union is selecting a tested list of qualified applicants who hold licenses. These applicants will be distributed and routed by the Union through the stations in such a manner that each applicant will spend one week in succession at each of the eight Philadelphia stations, all of which have joined in approving the plan. In this manner each applicant will receive eight weeks' actual experience in every variety of station, large and small. He will receive no pay for this training period which is arranged in hours when it will not interfere with the trainee's present employment. Likewise, the training he receives in the stations will be given by Union members, who will receive no extra pay for this effort. At the end of the eight weeks period of practical experience, if the applicant is approved by the Chief Engineers of the stations and by the Union Shop Stewards in the stations, he will be eligible for employment by the managements and, if employed, will come in under the existing agreements now in force between the Union and the eight Philadelphia stations. All the stations operate under CIO Union-Shop Agreements.

In respect to the second group, applicants approved by the Union as qualified will then be accepted as students at the Dobbins Vocational School, 22nd and Lehigh Avenue, where a course as radio technicians will be given under the supervision of W. E. Brunton, Associate Director of War Production Training of Philadelphia, under the Board of Education of Philadelphia. The course will contain subjects deemed essential by the Union, the Phila-

delphia station managements, and the school authorities. The teachers in this special course will be experienced technicians who are now members of the Union. They will be paid modest fees by the Board of Education War Training Plan. The equipment necessary for the laboratory work in the training course will be provided by the stations where possible and supplemented by equipment purchased by the Board of Education. The necessary books will be also provided by the Board of Education but will be available for purchase by the applicants.

The entire training plan will be placed in operation promptly. The first group of licensed applicants to receive practical station experience will consist of eight trainees, one to start in each of the eight stations. They will commence work Wednesday, November 18, 1942.

The first group in the theoretical course will consist of 25 applicants. Their course will commence Monday, December 7, 1942. The theoretical course will continue for 13 weeks, the requirement being 15 hours of school work per week. These hours will be 7:00 to 10:00 p. m., five nights a week. At the end of the theoretical course, if the applicant succeeds in passing the examination for the broadcast license, the applicant will then be eligible to go on to the eight weeks practical training course conducted by the Union in the stations.

This entire procedure is being supervised by Charles C. Smith, Chairman of the Union Committee, who has interviewed all applicants and assigned them by roster among the stations.

The meeting on November 16th was attended by Mr. Smith, Chairman of the Union Committee, and the following Union Committee members:

Dick Shipp—WPEN
Paul Krantz—WIBG
Frank Pfaff—WIP
I. N. Erney—KYW
C. E. Roder—KYW

Representing the stations, were Samuel R. Rosenbaum, President of WFIL, Chairman of the Management Committee, and the following station representatives:

WCAU—George Lewis, Chief Engineer
David P. Gillett
KYW—Ernest Gager, Chief Engineer
WIP—Benedict Gimbel, Jr., President,
Clifford Harris, Chief Engineer
WHAT—Milton Laughlin, General Manager
WIBG—Edward Clery, General Manager
WPEN—Arthur Simon, General Manager
WDAS—Alexander W. Dannenbaum, Sr.

The Board of Education was represented by:

W. E. Brunton, Associate Director of War Production Training of Philadelphia
I. N. Baker, Principal of Dobbins Vocational School
L. J. Lipp, Coordinator—Dobbins Vocational School, 22nd and Lehigh Avenue

In announcing the adoption of the plan, Mr. Rosenbaum said: "This evidence of constructive forethought by the Union for the benefit of the industry is an example of the excellent and friendly relations which exist in Philadelphia between the employers and the Union. The operation of the plan requires hearty cooperation from the stations which it will receive. However, the amount of work involved from the Union Committee is far greater than the effort required from the stations. The Union is rendering a real service to the cause in which all parties are interested."

November 17, 1942.

RADIO COURSES IN PORTLAND

This is the story of the cooperation of Portland, Oregon, radio stations in promoting the training of radio technicians in accordance with the plan National Association of Broadcasters worked out with the U. S. Office of Education. Information was forwarded by Harry Spence, KXRO, Aberdeen, Washington, director of NAB District 17, as received from Chief Engineer Harold C. Singleton, KGW-KEX, Portland. Mr. Singleton supervised classes in Portland, assisting Professor Arthur Albert, Oregon State College, who was designated by Dean Dearborn to supervise this work. Last January stations in Portland and Oregon began publicizing the radio training classes.

Students Make Good

Over 300 persons responded to the announcements over Portland stations last January. Three courses of approximately 35 students each were organized to begin Part I, Fundamentals of Radio. Out of the graduates of this group were supplied a number of radio men to the armed forces. Nine went into Navy Radar work. Seven passed the FCC examination for second class radiotelephone license. One man secured a first class radiotelephone license. Many men report that they got better jobs servicing, etc., as a result of taking the training course, and a couple of women got into radio work at the conclusion of the class.

The above classes were conducted at Benson Polytechnic School where students had the use of radio shop facilities. At the end of the first course Dean Dearborn, Prof. Ben Nichols and Prof. Arthur Albert proposed that a new series of classes be organized in Portland.

Navy to the Front

At that time Engineer Singleton proposed working in close harmony with the Navy and plans were perfected with Chief Gibson, in charge of radio recruiting at the Portland Navy Recruiting office.

Emphasis on mathematics was a desired feature of the courses and Rose Singleton, who received her degree in mathematics and science, including radio, offered to assist in this part of the work. The success of this class exceeded original expectations. This program has now been expanded and has grown to be the most important of the ESMWT radio training work in Portland.

Results

Three Pre-Radar classes have been graduated. Eight Pre-Radar classes are now in progress. And in addition to these Navy classes, there is a class in Fundamentals of Radio Part I and a class in Fundamentals of Radio Part II, now in progress.

"Numerous men and women desiring to enter other services have inquired about getting our math and radio work," reported Mr. Singleton. "To accommodate these people we featured one of our recent classes as being open to anyone intending to go into radio work in the WAVES, Navy, WAAC, Signal Corps, Air Forces, Coast Guard and Marines.

"Lt. Wendt and Chief Day, stationed with the Seattle recruiting office, recently came to Portland and went over the details of the course with the idea of starting similar classes in Seattle.

"Some of the men enlisted before entering our classes and they were given 90 days in active duty status to complete the work. Others completed the course, receive their ratings and then enlist. We usually have a few in the class who have applied for commissions in the Radar Branch, and who take the course as a brush-up while waiting for their commissions.

"Lt. Comdr. DeGrave and Ensign Smith have expressed their appreciation for the cooperation in training these men for Navy Radar service."

Instructors, beside Engineer Singleton, and Rose Singleton include: Ralph Deardorff; Howard Beckendorf; Ensign Smith; Nathan Director; Jay Mangan; Mike Meihoff; Martin Lantz; George Barger; and Kenneth Aldrich, most of whom are communications engineers connected with P. T. and T. Company and the Bonneville Administration.

10 SECTIONS IN RADIO AT MANHATTAN

Brother Victor and Brother Leo, respectively President and Dean of Engineering, Manhattan College, New York City, visited NAB headquarters, yesterday, Nov. 19. Ten sections of the Fundamentals of Radio are currently being taught at Manhattan, three of which are Part II, according to these officials. First students to complete Part II were graduated in October, after 32 weeks of study, three hours per night, three nights per week. They have all been absorbed.

NAVY THANKS WESTERN STATIONS

The help in recruiting Radio Technicians which radio stations in the eleven states comprising the Navy's Western Division has extended, is acknowledged in a letter to NAB, by Lieut. A. P. Matthews, Assistant Recruiting Inspector, San Francisco.

Lieut. Matthews worked as Radio Technician Procurement Officer under direction of Captain E. B. Lapham, Recruiting Inspector. It is his purpose to secure "green" men with proper prerequisites for in-service training as Radar maintenance men.

Quoted below are several lines from Lieut. Matthews' letter which we are passing on to western broadcasters:

"I cannot sign off without taking this opportunity of personally expressing to you the cooperation *every* radio station in the Western Division—the eleven western states upon whom I called—has given. It has been swell regardless of location, size, network or independent. The personnel at our recruiting stations has taken me and many others over for fifteen-minute interviews, etc., on our Radio Technician program. And, of course, the many "free" hours, etc., certainly show that NAB is sure fighting this war along with the men in uniform."

PLEASE TELL US THE FACTS!

Letters from station managers frequently comment on the employment of students at their stations of men and women who have attended the ESMWDT-NAB course in the Fundamentals of Radio. It will be helpful to NAB in dealing with the manpower problem to receive additional information as to the value of these courses.

Elsewhere in today's REPORTS it is revealed that Portland, Oregon, classes produced graduates who passed first and second class radiotelephone examinations. And in October Ed Allen, manager, WIBA, Madison, Wis., wrote that two graduates of Fundamentals of Radio were working at his station. Other reports have been received from New York state, Ohio, Texas and Pennsylvania saying that the situation had been greatly improved there by these courses.

Though this is the first time NAB has actually asked for such information it will be appreciated if you will forward definite facts, like above examples, at your early convenience. Even if you have done so before, as a part of a letter, it will be helpful if you will compose a letter on this one subject alone.

"CHURCH CANVASS" COMMITTEE

The Radio Committee of United Church Canvass, headed by Niles Trammell of NBC, is made up of the following additional members:

Birt Fisher, KOMO, Seattle; John Hogan, WQXR, New York; Alfred J. McCosker, WOR, New York; William S. Paley, president, CBS; O. L. Taylor, KTSA, San Antonio; Mark Woods, president of the Blue network.

KVOO COONTZ NOW MARINE OFFICER

Edward C. Coontz, former program director of KVOO, Tulsa, was commissioned Second Lieutenant, the Marine Corps, last Saturday, November 14. This followed his successful completion of work in the Officer Candidate Class at Quantico. His address at the present time is: 2nd Lt. Edward C. Coontz, 15th R.O.C., Barracks B, Quantico, Virginia.

COST OF LIVING

The Labor Department reports that the cost of living rose one per cent from September 15 to October 15. The increase since May 15 has been 2.6 per cent.

BWC SHORT WAVE ORDER

Following is the official order of BWC in connection with the closure of international broadcast stations WRUL, WRUS, and WRUW, already announced:

WHEREAS, The Board of War Communications has determined that the national security and defense and the successful conduct of the war demand that the operation of International Radio Broadcast Stations WRUL, WRUS, and WRUW shall be subject to control by the Government of the United States;

Now THEREFORE, By virtue of the authority vested in the Board;

IT IS HEREBY ORDERED, That International Radio Broadcast Stations WRUL, WRUS, and WRUW BE, AND THEY ARE HEREBY, DESIGNATED FOR CLOSURE and, effective immediately, ARE HEREBY CLOSED;

IT IS FURTHER ORDERED, That notwithstanding the provisions of the paragraph immediately preceding, effective immediately, the Office of War Information, on behalf of the United States of America, BE, AND IT HEREBY IS authorized to use and control the said international radio broadcast stations and any or all of their apparatus and equipment in accordance with the terms of Executive Order 8964 of December 10, 1941, and the Federal Communications Act of 1934, as amended, all in such manner and upon such further terms as the Director of the Office of War Information may deem necessary for the national security and defense and the successful conduct of the war.

Subject to such further Order as the Board may deem appropriate.

FEDERAL COMMUNICATIONS COMMISSION

FLY PRESS CONFERENCE

Chairman James Lawrence Fly, of the FCC, indicated at his press conference on Monday that this week he would send a report to Senator Wheeler, Chairman of the Senate Committee on Interstate Commerce, in the form of a letter dealing with the recent complaint of the Cooperative League. If the report is to be made public, it will be given out by the Senator.

Chairman Fly was questioned at his conference regard-

ing the new Manning Table Plan of the War Manpower Commission. Mr. Fly said that the Commission has done nothing regarding this plan.

Discussing this particular plan and the manpower situation as it affects the broadcasters, Mr. Fly said:

"After all, that is a matter for the decision of the Selective Service and the War Manpower people. All I can do is cooperate with them—studies and investigations and recommendations and help them understand—the main job has been done here—largely by the industry, in arriving at definitions and the understanding of the jobs and functions. But we are not in a position to make the decisions. I don't mean to say the problem is not acute; of course it is acute. And that is the reason we have such a great and continuing interest in it, but the whole manpower problem in all industries is acute."

PER-INQUIRY DEALS

Director & Lane, advertising company of New York City, is asking for per-inquiry business in behalf of Arco Publishing Company's book, "Practice Tests for the Army."

The Harold Dellon Music Co., Cleveland, O., are submitting per-inquiry deals to the stations in an effort to sell their songs.

OPINION

IN UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

NATIONAL BROADCASTING COMPANY, INC., WOODMEN OF THE WORLD LIFE INSURANCE SOCIETY AND STROMBERG-CARLSON TELEPHONE MANUFACTURING COMPANY, Plaintiffs,

v.

THE UNITED STATES OF AMERICA, The FEDERAL COMMUNICATIONS COMMISSION and MUTUAL BROADCASTING SYSTEM, INC., Defendants.

COLUMBIA BROADCASTING SYSTEM, INC., Plaintiff,

v.

THE UNITED STATES OF AMERICA, Defendant.

FEDERAL COMMUNICATIONS COMMISSION and MUTUAL BROADCASTING SYSTEM, INC., Interveners.

CIVIL 16-178

CIVIL 16-179

Before: L. HAND, C.J., and GODDARD and BRIGHT, D.JJ.

On motions by the defendants for summary judgments dismissing the complaints herein in two actions to "annul" certain regulations of the Federal Communications Commission and to enjoin the Commission from enforcing them.

L. HAND, C.J.: These cases come before us a second time upon motions made by the defendants and the Mutual Broadcasting System—which has intervened—summarily to dismiss the complaints. The motions are made upon the complaints, upon certain affidavits of the counsel for the Commission, upon the Commission's report and all the proceedings and evidence before it, and—we shall assume—upon the affidavits filed by the plaintiffs on their motions for preliminary injunctions. We shall not repeat the outline of the controversy as set forth in our opinion in 44 Fed. Suppl. 688, and in that of the Supreme Court which reversed our judgments dismissing the complaints, 316 U. S. 407; but shall proceed directly to consider the points raised.

The most important of these is whether the Commission had power to pass the challenged regulations. Everyone agrees that in granting licenses under § 309 of Title 47, U. S. Code, it must distribute the available wave lengths so as to give greatest possible service, and that it must

see to it that all applicants have the necessary technical ability to broadcast programs, that the stations are properly constructed and properly manned and do not interfere with other stations, and that the licensees are responsible, morally and financially. All these things and perhaps more, the Commission may regulate in discharge of its duty to promote the "public convenience, interest, or necessity." The regulations at bar have, however, nothing to do with these qualifications of a licensee; they are addressed, not to his ability to broadcast any programs which he may accept, but to his freedom to procure other programs than those to which by contract with, or by the control of, the "networks" he is limited; they touch, not how he shall broadcast, but how unrestricted he shall be in doing so. The plaintiffs say that, judged both by its history and by its language, the Act gave the Commission power to consider only the qualifications first specified, leaving outside any administrative control all arrangements by which a station secures its programs. They say that, although it is true that § 313 makes "all laws * * * relating to unlawful restraints * * * applicable to * * * interstate or foreign radio communications," and that the courts have jurisdiction in this way to annul monopolies or restrictive contracts which affect broadcasting, only courts may do so; the Commission must disregard any such considerations when deciding whether to grant or refuse a license.

Section 303 defines the Commission's powers; its original was § 4 of the Radio Act of 1927 which had eleven subdivisions, of which the first ten were the same as the first eleven of § 303 except for a new subdivision ("g") introduced into § 303. The eighth subdivision ("h") of § 4 of the Radio Act (now the ninth ("i") of § 303) gave the Commission "authority to make special regulations applicable to radio stations engaged in chain broadcasting;" and on it the Commission particularly relied. The plaintiffs answer that it was meant merely to give the Commission control over the power and wave-lengths used by stations while connected with "networks" for "chain broadcasting." It was introduced by an amendment in the Senate and originally read that the Commission should have power, "when stations are connected by wire for chain broadcasting," to "determine the power each station shall use and the wave lengths to be used during the time stations are so connected and so operated, and make all other regulations necessary in the interest of equitable radio service to the listeners in the communities or areas affected by chain broadcasting." The first clause of this amendment was indeed limited as the plaintiffs say; but the same was not true of the second clause.

"Equitable radio service to the listeners" was a comprehensive phrase; read most naturally, it should include the best possible service compatible with such burdens as it was reasonable to impose upon the "networks" and their "affiliates"—"equitable," that is, in the sense that the interests of both sides were to be weighed. The fact that the occasion for the amendment appears to have been the Senate's apprehension that the "networks" might drown out "unaffiliated" stations, by no means circumscribed the scope of these words. This amendment finally emerged from Conference and was enacted, in the broad terms we have quoted; it would be altogether unwarranted to assume that it was intended to adopt the limited clause and to abandon the general one. We may start therefore with the strong probability that even in the Radio Act of 1927 the Commission had power by virtue of this subdivision to regulate "chain broadcasting" generally in the interest of "listeners."

The amendment to § 303 of the Communications Act of 1934, that is, the interpolation of subdivision "e," confirms this interpretation. That subdivision reads as follows: "Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest." We can see no reason for confining the last clause to scientific or engineering problems; the purpose is apparent to give the Commission power to foster the industry in all appropriate ways. It is not clear that this was a new purpose; but if it was, it infused the powers already granted in the earlier act, broadening them in accord with the changed outlook—the power granted under subdivision "i" among the rest. The duty—for the

power imposed a corresponding duty—to "encourage" the "larger" use of radio incidentally presupposed a power to prevent the frustration of the purpose so disclosed; we are not to construe the section as at war with itself. Therefore, even if § 303 stood alone, we should hold that subdivision "i" granted power to the Commission to consider the effect upon a station's choice of programs of any controls or restrictions exercised by the "networks."

However, § 303 does not stand alone. In addition to providing that all laws "relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade" should apply to "radio communications," § 313 also took over from § 15 of the Act of 1927 the provision that in actions brought under those laws or in proceedings to enforce orders of the Federal Trade Commission, whenever "any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court, in addition to the penalties imposed by said laws, may * * * decree that the license of such licensee shall * * * be revoked." As will be observed, revocation was here made a penalty like other penalties for monopoly or restraint of trade; the courts were not to use it as a means of compelling a licensee to furnish service free from unlawful restrictions, but to punish him for his past misconduct, the discretion accorded them being exercised according to the degree of his "guilt." This was in harmony with the general scheme, for a court is not in good position to know how far a monopolistic or unfair competitive practice may interfere with "the larger and more effective use of radio in the public interest"; if any official was competent to do so, it was the Commission. Section 13 of the Radio Act of 1927 had provided that if a court revoked a license, the Commission must refuse to renew it, but it had stopped there; and, as the law then stood, it might perhaps have been argued with some show of plausibility that an applicant's monopolistic or unfair competitive practices in the past were not relevant to the grant of a license.

However that may have been, § 13 was amended in 1934 by adding a new clause, and the resulting § 311, in addition to retaining the old language forbidding the restoration of a forfeited license, contained a new one providing that the Commission is "authorized to refuse such station license" whenever the applicant had been "finally adjudged guilty" by a "Federal court of * * * attempting unlawfully to monopolize radio communication * * * or to have been using unfair methods of competition." That power was certainly not to be used as a punishment; the Commission was not to overrule the court which had decided not to impose the penalty. Such a power would have been open to serious constitutional objection. What use then was the Commission to make of an adjudication of the applicant's "guilt"? Only, we submit, by considering it as evidence that, if granted a license, he would not use it for the "public convenience, interest, or necessity," i. e. that the grant of a license would not "encourage the larger and more effective use of radio in the public interest." The necessary implication from this was that the Commission might infer from the fact that the applicant had in the past tried to monopolize radio, or had engaged in unfair methods of competition, that the disposition so manifested would continue and that if it did it would make him an unfit licensee. Thus, whatever may have been the limits of the Commission's earlier powers, manifestly after 1934 they included a consideration of how far licensees might be improperly restricted in the exploitation of their licenses.

The plaintiffs do not concede even this, as we understand it, but in any event they insist that the exercise of any such power was conditioned upon an earlier adjudication by some court. We can see no reason to suppose (although apparently the Commission does not agree) that an applicant's violation of the statutes against monopoly and unfair competition, as such and alone, ever disentitles him to a license. It is indeed evidence relevant to his fitness for the reasons we have just given; but it is such only as any past conduct may be an earnest of what is to be expected in the future, and because a repetition would be prejudicial to the public interest. We construe this clause of § 311 as going no further than to provide the Commission with an estoppel as to any facts which a

court may have found; these may be taken as data for any rational inference that can be drawn from them relevant to the ultimate issue; but "guilt" as "guilt" is not the ultimate issue. Certainly that is the only effect which it is necessary to give the clause; there is not the slightest warrant for inferring that in the absence of an adjudication, the Commission may not determine what has been an applicant's past conduct, or may not consider how far, if repeated, it would interfere with the fullest use of his license. Whatever may be the mysteries enveloping an adjudication of "guilt" under the Anti-Trust laws which make that issue unfit to be entrusted as such to profane hands, the Commission is certainly peculiarly competent to appraise the effect upon broadcasting of restrictive or monopolistic practices, and is as competent to decide whether an applicant is likely to engage in them as it is to decide any of the other issues which come before it. The decision in *Federal Communications Commission v. Sanders Brothers Radio Station*, 309 U. S. 470, is irrelevant; the only question decided was whether the injury suffered by an existing station was a material factor in licensing a new station.

The plaintiffs next challenge the regulations because they lay down general conditions for the grant of licenses instead of reserving decision until the issues arise upon an application. Such a doctrine would go far to destroy the power to make any regulations at all; nor can we see the advantage of preventing a general declaration of standards which, applied in one instance, would in any event become a precedent for the future. It may perhaps be true that a party, who had no notice of the hearings before the Commission and no opportunity to present his side, would be entitled, when applying for a license, to a reconsideration of those findings upon which the regulations rested. None of the plaintiffs at bar are in that position; they were amply advised of what the Commission proposed; they were invited to attend; all but the co-plaintiff "affiliates" of the National Broadcasting Company did so, put in whatever evidence they wished and were heard before the original regulations were passed, and again at the rehearing. They at any rate were accorded all the privileges they would have had if they had intervened in an application for a license. It would be futile after the expenditure of so much time and labor to hold that the proceedings were only advisory and concluded nobody; indeed, the mere fact that the regulations are "orders" reviewable under § 402(a) would seem to preclude such a conclusion. We do not understand the Supreme Court to mean that every minatory gesture of the Commission is reviewable under that section.

The next objection is that the Commission did not really find that the forbidden practices worked against "the public convenience, interest, or necessity," but that it rested upon its supposed duty to deny the applications of all who proposed to use their licenses in violation of the Anti-Trust laws. The Commission in one passage of its report does indeed seem so to have understood the statute, though it would scarcely be fair to say that it held as much; but, be that as it may, it did not base its action upon that theory. It made specific findings in the case of each regulation that the contract or the control which it forbade was against the public interest because it took away the stations' free choice without any corresponding advantage to the industry as a whole. Each regulation was a specific exercise of power, addressed to a particular practice which interfered with the most "effective use of radio in the public interest."

The only constitutional objections which we need consider are two: that the standard set by § 303 ("public convenience, interest, or necessity") is too vague; and that the regulations invade the privilege of free speech. Although the Supreme Court has twice at least upheld the standard when applied to the construction of stations or to the allocation of wave lengths (*Federal Radio Commission v. Nelson Brothers Bond & Mortgage Co.*, 289 U. S. 266, 285; *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U. S. 134, 137, 138; (semble) *Panama Refining Co. v. Ryan*, 293 U. S. 388, 428), the plaintiffs insist that it will not serve if used to regulate the business arrangements of a station. We are assuming that when so used it demands the widest practicable va-

riety in the choice of programs available for broadcasting; that system which will most stimulate and liberate the ingenuity of those who purvey them to the public. There can be no doubt that, if the introductory clause of § 303 will bear that construction the test is definite enough—and indeed peculiarly adapted to the putative proficiency of the Commission in its field. Nor can we see why, when applied to the issue of the licensee's freedom from restraint, the test is not a fair gloss to be imposed upon the clause. It is impossible in a single rubric to specify all the occasions to which it will apply, and the effort at specification is usually abortive for they cannot all be foreshadowed. It is enough if the delegated power be so defined that a clue can be found in it for dealing with the several occasions which may arise. That seems to us to be the situation here.

The argument drawn from the First Amendment, as we understand it, is this. It is true that the regulations do not profess directly to control what programs the stations may broadcast; but they do so indirectly. They do this by forbidding them to make the forbidden contracts with "networks" even though they believe that these will bring them better programs than they can get in any other way; and it is not necessary for a law directly to control the substance of an utterance for it to invade the right of free speech. We agree that the regulations might be invalid though they do not prohibit programs on the basis of their contents; they do fetter the choice of the stations; absolutely free choice would include the privilege of deciding that they preferred the opportunities open to them under the "networks" contracts to those which would be otherwise available. The Commission does therefore coerce their choice and their freedom; and perhaps, if the public interest in whose name this was done were other than the interest in free speech itself, we should have a problem under the First Amendment; we might have to say whether the interest protected, however vital, could stand against the constitutional right. But that is not the case. The interests which the regulations seek to protect are the very interests which the First Amendment itself protects, i.e., the interests, first, of the "listeners," next, of any licensees who may prefer to be freer of the "networks" than they are, and last, of any future competing "networks." Whether or not the conflict between these interests and those of the "networks" and their "affiliates" has been properly composed, no question of free speech can arise.

The last question upon the merits is whether the Commission's findings are so plainly without support in the evidence as to be "arbitrary or capricious," § 402(e); that is, whether the regulations are certain not to promote the "public convenience, interest, or necessity." A majority of the Commission, after a long and painstaking investigation, has concluded that the net result will be to give a larger choice to stations without sensibly diminishing the services of "chain broadcasting," which the report highly commended. We are asked to say that there is no reasonable basis for such a conclusion; to say that no reasonable person could find in the evidence any support for it. The industry at large holds conflicting views; the plaintiffs on the one hand believe that the prohibitions will in the end destroy "chain broadcasting" altogether; the Mutual Broadcasting System and a number of other interested persons think otherwise. Each side has stated its reasons and the Commission has chosen. It was created to make such choices because Congress believed that it would acquire in its special sphere a skill which courts could not match; and it is now horn-book law that the conclusions of such tribunals are not to be disturbed except in the plainest case. That doctrine applies here with especial force just because the findings are necessarily prospective; time alone can decide their success or their failure.

The measure of our power is to say whether there was any substantial evidence that the added freedom given to stations will outweigh the reduction in the opportunities which will remain open to the "networks." We cannot say that there was no such evidence. To take the regulation which is the head and front of the Commission's offending—3.104—it indeed does limit the power of a "network" to furnish large advertisers with the time of all its "affiliates," for it must always run the risk that

after its last inquiry a station may have "sold" to another "network" the time which it proposed to "buy" of that station. On the other hand, it is certainly possible that the present contracts give the "networks" so strong a hold upon the industry as to keep down competition which would prove beneficial. Upon such an issue nobody who is not steeped in the details of the business is really entitled to an opinion, and indeed even the opinions of those who are so steeped must be largely speculation. But that does not mean that the industry must be left to itself; the Commission was created precisely to say how far it was best to let things stand, and how far to intervene.

There remains only the question of procedure: whether a motion for summary judgment is proper, or whether, as the plaintiffs argue, the causes should go to trial and be heard upon evidence taken de novo. That depends upon what effect we should give to the Commission's findings. If the plaintiffs intervened in a proceeding by one of their "affiliates" for the renewal of a license, they could not compel the Commission to reconsider the findings of the report. As we have said, they had had adequate notice and full opportunity to be heard; indeed neither of the complaints alleges that they had not. Upon appeal to the Court of Appeals of the District of Columbia under § 402(b), the whole record before the Commission upon the hearings which resulted in the regulations would be part of the record, and the only issues open would be whether there was substantial support for the findings in the record, and whether the findings were "arbitrary or capricious," § 402(e). That record and those issues are before us here. The plaintiffs did not choose to wait and intervene, but adopted the alternative of an action in equity to "set aside" and "annul" the regulations as "orders." The reason that they have been allowed to proceed in this way is that the regulations inflicted a present injury upon them from which they were entitled to present relief; but the determining issues in each case are the same. Congress, having meant the validity of an order refusing a license to be determined as an appeal upon the record made before the Commission, cannot have meant to allow a larger scope of review because the Commission threatens for the same reasons to refuse all licenses.

This is confirmed by considering what use we could make of any evidence if we took it. It might go to show that the Commission had failed to give adequate notice to the plaintiff of what it proposed, or an adequate opportunity to put in their own evidence, or an adequate hearing upon all the evidence; but aside from the fact that the record is before us and does not bear out such a contention, neither complaint, as we have just said, alleges anything of the kind. On the other hand, if the evidence went to contradict or overthrow the findings, we could not bring it into hotchpot with the evidence taken by the Commission, without deciding the issues in the first instance ourselves. We have no such power; it would upset the whole underlying scheme of an expert commission, whose orders must stand or fall upon such evidence as it had before it. *Tagg Bros. & Moorhead v. United States*, 280 U. S. 420; *Acker v. United States*, 298 U. S. 426. If an aggrieved party wishes to supplement that evidence he must apply to the Commission itself, § 405.

The plaintiffs somewhat faintly invoke the doctrine of *Crowell v. Benson*, 285 U. S. 22, *Baltimore & Ohio Railroad Co. v. United States*, 298 U. S. 349, and *St. Joseph Stock Yards Co. v. United States*, 298 U. S. 38. Assuming that that doctrine is still law (*Railroad Commission of Texas v. Rowan & Nichols Oil Co.*, 310 U. S. 573; S. C. 311 U. S. 570), it does not apply. The "networks" are indubitably engaged in interstate commerce and so are their "affiliates"; it is a question of law, not of fact, whether the regulations are within the Commission's powers, and the only issue of fact, assuming it can be called such, is whether there was evidence to support the findings. Unless the distinction between what is jurisdictional and what goes to the exercise of a power is to disappear altogether, the Commission's jurisdiction did not depend upon whether they rightly estimated the "public convenience, interest, or necessity."

The complaints will be dismissed; and as there has been no trial, we need make no findings. As before, we will grant a stay, this time until February 1, 1943, or until the

argument of the appeal in the Supreme Court, whichever is earlier. The same findings which we then made will serve with slight verbal changes. We are filing the judgments, the stays and findings along with this opinion.

Complaints dismissed.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, November 23. They are subject to change.

Thursday, November 26

WLW—The Crosley Corp., Cincinnati, Ohio.—Modification of license, 700 kc., 50 KW day, 500 KW night, unlimited, using W8XO transmitter.

Wednesday, November 25

WRDO, Inc., Augusta, Maine.—C. P., 1400 kc., 250 watts, unlimited.

Further Hearing

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license, 1230 kc., 250 watts, unlimited.

Monday, November 23

The Voice of The Orange Empire, Inc., Ltd., Santa Ana, Calif.—C. P., 1480 kc., 1 KW, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—Granted construction permit (B3-P-3500) to install a new transmitter.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted extension of special service authorization (B3-SSA-48) for period not to exceed expiration date of construction permit, March 13, 1943.

DESIGNATED FOR HEARING

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Designated for hearing modification of license application (B2-ML-1134) to change frequency from 1490 to 1330 kc., and reduce nighttime power to 100 watts, unlimited time.

LICENSE RENEWALS

Granted renewal of following station licenses for the period beginning December 1, 1942, and ending in no event later than December 1, 1944:

KDFN, Casper, Wyo.; KERN, Bakersfield, Calif.; KFJM, Grand Forks, N. D.; KGNO, Dodge City, Kans.; KILQ, Grand Forks, N. D.; KIDO, Boise, Idaho; KLRA, Little Rock, Ark.; KSLM, Salem, Ore.; KTBS and auxiliary, Shreveport, La.; KTSM, El Paso, Tex.; KUJ, Walla Walla, Wash.; KWK, St. Louis, Mo.; KXYZ, Houston, Tex.; WAKR, Akron, Ohio; WAWZ, Zarephath, N. J.; WBCM, Bay City, Mich.; WBIG, Greensboro, N. C.; WBNS and auxiliary, Columbus, Ohio; WBRY, Waterbury, Conn.; WBYN and auxiliary, Brooklyn, N. Y.; WCSC, Charleston, S. C.;

WFBL, Syracuse, N. Y.; WGAR and auxiliary, Cleveland, Ohio; WHEC, Rochester, N. Y.; WHIS, Bluefield, W. Va.; WHP and auxiliary, Harrisburg, Pa.; WIRE and auxiliary, Indianapolis, Ind.; WKBH, La Crosse, Wisc.; WMBG and auxiliary, Richmond, Va.; WROK, Rockford, Ill.; WSAN, Allentown, Pa.; WSFA, Montgomery, Ala.; WSPD, Toledo, Ohio; WWSR, St. Albans, Vt.

Granted renewal of following station licenses for the period ending in no event later than February 1, 1943:

KGEK, Sterling, Colo.; KPHO, Phoenix, Ariz.; KYSM, Mankato, Minn.; WJNO, West Palm Beach, Fla.

Granted renewal of following station licenses for the period ending in no event later than April 1, 1943:

KFBC, Cheyenne, Wyo.; KMAC, San Antonio, Tex.; KOVO, Provo, Utah; KPFA, Helena, Mont.; WPAX, Thomasville, Ga.; WRAL, Raleigh, N. C.

Granted renewal of following station licenses for the period ending in no event later than June 1, 1943:

KAND, Corsicana, Tex.; KVOX, Moorehead, Minn.; KWLM, Willmar, Minn.; WFIG, Sumter, S. C.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted renewal of license for the period ending not later than August 1, 1944.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted renewal of license for the period ending not later than October 1, 1944.

WNAB—Harold Thomas, Bridgeport, Conn.—Granted renewal of license for the period beginning December 1, 1942, and ending in no event later than October 1, 1943.

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Granted renewal of license for the period beginning December 1, 1942, and ending in no event later than December 1, 1943.

Granted renewal of following station licenses for the period beginning December 1, 1942, and ending in no event later than December 1, 1944:

KABR, Aberdeen, S. D.; KCMO, Kansas City, Mo.; KELA, between Centralia and Chehalis, Wash.; KGER, Long Beach, Calif.; KGNC, Amarillo, Tex.; KGNF, North Platte, Nebr.; KLPN, Minot, N. D.; KMED, Medford, Ore.; KSO, Des Moines, Iowa; WFEA and auxiliary, Manchester, N. H.; WMBD, Peoria, Ill.; WMPS, Memphis, Tenn.; WNBC and auxiliary, Hartford, Conn.; WPAB, Ponce, Puerto Rico.

WWDC—Capital Broadcasting Co., Washington, D. C.—Granted renewal of license for the period beginning December 1, 1942, and ending in no event later than October 1, 1943, for main and synchronous amplifier.

KFXM—J. C. Lee and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Granted renewal of license for the period ending in no event later than April 1, 1943.

WBIR—J. W. Birdwell, Knoxville, Tenn.—Granted renewal of license for the period ending in no event later than April 1, 1943.

WFHR—William F. Huffman, Wisconsin Rapids, Wisc.—Granted renewal of license for the period ending in no event later than June 1, 1943.

KSWO—Willard Carver and Byrne Ross, Lawton, Okla.—Granted renewal of license for the period ending in no event later than August 1, 1944.

WNEL—Juan Piza, San Juan, Puerto Rico.—Granted renewal of license for the period ending in no event later than October 1, 1944.

KFRO—Voice of Longview, Longview, Texas.—Granted renewal of license for the period ending in no event later than December 1, 1944.

MISCELLANEOUS

WMIS—Natchez Broadcasting Co., Natchez, Miss.; WGRM, P. K. Ewing, Greenwood, Miss.—Passed for two weeks motion to take depositions in re applications for renewal of licenses.

WKBW-WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted motion to postpone hearing now scheduled for November 20 to December 8, in re applications for renewal of licenses, main and auxiliary.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted petition to intervene in the hearing on application of WMRO, Aurora, Ill., for modification of license (B4-ML-1112).

WHKC—United Broadcasting Co., Columbus, Ohio.—Denied motion to cancel hearing now set for December 2 in re application for construction permit (B2-P-2833), and the Commission on its own motion continued said hearing to December 16.

WIOD—Isle of Dreams Broadcasting Corp.; Miami, Fla.—Granted motion to dismiss without prejudice, application for construction permit (B3-P-3463).

Raymond C. Hammett, Talladega, Ala.—Granted request for dismissal without prejudice of application for construction permit (B3-P-3365).

WINK—Mid-American Broadcasting Corp., Louisville, Ky.—Granted petition to dismiss without prejudice application (B2-MP-1589) for modification of license.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted modification of construction permit (B5-P-3100, as modified, for installation of directional antenna for day and night use, and increase in power) for extension of completion date from November 16 to December 16, 1942 (B5-MP-1663).

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Granted modification of construction permit (B5-P-3096, as modified, for new equipment, increase in power, installation of directional antenna for night use, and move of transmitter) for extension of completion date from November 12 to December 12, 1942 (B5-MP-1666).

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Granted license to cover construction permit (B4-P-3269) as modified, for changes in directional antenna for night use, installation of new transmitter, and increase in power (B4-L-1724); granted authority to determine operating power by direct measurement of antenna power (B4-Z-1460).

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted license to cover construction permit (B-P-3436) as modified, for increase in power and new transmitter (B-L-1725); granted authority to determine operating power by direct measurement of antenna power (B-Z-1462).

KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted license to cover construction permit (B5-P-3030) as modified, for increase in power and installation of directional antenna for day and night use (B5-L-1700); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1428).

WAKR—Summit Radio Corp., Summit, Ohio.—Granted license to cover construction permit (B2-P-3038) as modified, for increase in power, changes in directional antenna for night use only, and install new transmitter (B2-L-1722); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1458).

W8XCT—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit (B2-PVB-23, as modified, for new experimental television broadcast station) for extension of completion date only, from October 28, 1942, to April 28, 1943 (B2-MPVB-89).

WALB—Albany Publishing Co., Albany, Ga.—Continued from November 19 to December 15 the consolidated hearing on applications of WALB for renewal and voluntary assignment of license and construction permit to change frequency.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Dismissed without prejudice application (B2-P-2894) for construction permit to install new transmitter, directional antenna and increase power to 5 KW.

WEW—St. Louis University, St. Louis, Mo.—Denied Special Service authorization (B4-SSA-51) to increase operating hours from daytime to unlimited.

WLW—The Crosley Corporation, Cincinnati, Ohio.—Granted motion to continue hearing now set for November 26 to December 9, in re application for modification of license to operate with 500 kilowatts night.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Cal.—Granted motion for postponement of hearing now set for November 23 and continued same to January 6, 1943, in re application for construction permit (B5-P-3482). Also granted petition for order to take depositions.

WMIS—Natchez Broadcasting Co., Natchez, Miss.; WGRM, P. K. Ewing, Greenwood, Miss.—Denied motion for continuance of hearing now set for December 9 and severance from the hearing on Dockets 6331 and 6332.

- KOBH—Black Hills Broadcasting Co. of Rapid City, Rapid City, S. Dak.—Granted motion for order to take depositions in re application for construction permit (B4-P-3339).
- K5IL—St. Louis University, St. Louis, Mo.—Denied motion for continuance of hearing, and granted dismissal without prejudice of application (B4-MPH-109).
- KWFT—Wichita Broadcasting Co., Wichita Falls, Texas—Granted petition to dismiss without prejudice application for modification of license (B3-ML-1057).
- Olympic Radio Company, Hoquiam, Wash.—Granted petition to dismiss without prejudice application for construction permit (B5-PC-93A amending P5-PC-88).
- Karl L. Ashbacker and Grant F. Ashbacker, d/b as Ludington Broadcasting Co., Ludington, Mich.—Granted petition to dismiss without prejudice application for construction permit (B2-P-3406).
- Hughes Productions Division of Hughes Tool Co., Los Angeles, Cal.—Granted petition for continuance of hearing now set for December 7 to May 7, 1943, in re applications for new television stations in Los Angeles and San Mateo Co., Cal.
- WDAF—The Kansas City Star Co., Kansas City, Mo.—Dismissed without prejudice petition for leave to intervene and enlarge issues in re application of KOBH for construction permit (B4-P-3339).

APPLICATIONS FILED AT FCC

570 Kilocycles

- WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Modification of construction permit (B4-P-3288 as modified) which authorized increase in power and installation of directional antenna for night use, for extension of completion date from 12-7-42 to 6-7-43.

960 Kilocycles

- WSBT—South Bend Tribune, South Bend, Ind.—Authority to determine operating power by direct measurement of antenna power.

990 Kilocycles

- WIBG—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Modification of construction permit (B2-P-3207 as modified) which authorized installation of new transmitter, directional antenna, move transmitter and studio, change hours of operation and increase power for extension of completion date from 11-30-42 to 90 days after date of grant and change in type of transmitter.

1150 Kilocycles

- WDEL—WDEL, Inc., Wilmington, Del.—Modification of construction permit (B1-P-2758 as modified) which authorized increase in power, installation of new transmitter and directional antenna for extension of completion date from 11-17-42 to 12-17-42.

1170 Kilocycles

- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Extension of special service authorization to operate unlimited time, with power of 25 KW night and 50 KW daytime, using directional antenna for night use and transmitter as authorized by construction permit, for period ending 2-3-43.

1240 Kilocycles

- WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Authority to determine operating power by direct measurement of antenna power.
- KFXM—J. C. and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Construction permit to install a new transmitter, directional antenna for day and night use, change frequency from 1240 kc. to 1300 kc., increase power from 250 watts to 1 KW and change hours of operation from sharing time with KPPC to unlimited time. Amended: to request modification of license for change in hours of operation only.

1260 Kilocycles

- WNAC—The Yankee Network, Inc., Boston, Mass.—Extension of special service authorization to operate with power of 5 KW, using directional antenna at night for the period ending 10-1-44.

1290 Kilocycles

- WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. Car.—License to cover construction permit (B3-P-3259 as modified), which authorized installation of new transmitter, directional antenna for night use, change in frequency, increase power and move of transmitter.
- WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. Car.—Authority to determine operating power by direct measurement of antenna power.

1320 Kilocycles

- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

1340 Kilocycles

- KVIC—Radio Enterprises, Inc., Victoria, Texas.—Authority to determine operating power by direct measurement of antenna power.

1420 Kilocycles

- WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Modification of construction permit (B4-P-2288 as modified), which authorized change in frequency, increase in power, move of transmitter and installation of directional antenna and new transmitter for extension of completion date from 11-19-42 to 12-4-42.

1480 Kilocycles

- WRDW—Augusta Broadcasting Co., Augusta, Ga.—Modification of construction permit (B3-P-2966 as modified), which authorized change in frequency, increase in power, installation of new transmitter and directional antenna for night use, and move of transmitter for extension of completion date from 12-7-42 to 1-7-43.

1590 Kilocycles

- WBRY—American Republican, Inc., Waterbury, Conn.—License to cover construction permit (B1-SSA-31), which authorized move of transmitter.
- WBRY—American Republican, Inc., Waterbury, Conn.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATIONS

- W39NY—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of construction permit (B1-PH-83 as modified), which authorized construction of new high frequency broadcast station for extension of completion date from 11-14-42 to 3-14-43.
- W67B—Westinghouse Radio Stations, Inc., Boston, Mass.—License to cover construction permit (B1-PH-62 as modified), which authorized construction of new high frequency broadcast station, in part, in accordance with Commission action of 8-4-42.
- W47NY—Muzak Radio Broadcasting Station, Inc., New York, N. Y.—License to cover construction permit (B1-PH-48 as modified), which authorized construction of new high frequency broadcast station, in part, in accordance with Commission action of 8-4-42.

TELEVISION APPLICATIONS

- WPTZ—Philco Radio and Television Corp., Philadelphia, Pa.—Modification of construction permit (B2-PCT-4 as modified), which authorized construction of new television broadcast station for extension of completion date from 12-1-42 to 6-1-43.
- WMJT—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of construction permit (B4-PCT-8 as modified), which authorized construction of new commercial television station for extension of completion date from 10-27-42 to indefinitely.

MISCELLANEOUS APPLICATIONS

- W9XMB—Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PST-4 as modified), which authorized construction of new ST broadcast station for extension of completion date from 11-16-42 to 2-16-43.

W2XBD—General Electric Co., Schenectady, N. Y.—License to cover construction permit (B1-PST-10) which authorized construction of new ST broadcast station.

WLAB—Larus and Brother Co., Inc., Richmond, Va.—License to cover construction permit (B2-PRE-418 as modified), which authorized construction of new relay broadcast station.

WAAD—Ralph A. Horton, area of Ft. Lauderdale, Fla.—License to cover construction permit (B3-PRY-259 as modified), which authorized construction of new relay broadcast station.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Columbia Research Company—A complaint has been issued charging Julius Florsheim, trading as Columbia Research Co., 417 South Hill St., Los Angeles, with misrepresentation in the sale of envelopes and questionnaires referred to by bill collectors as "lures" and which are designed to obtain information concerning debtors. (4867)

Lee-Sons—Misrepresentation of the therapeutic value of a mineral water designated "Merlek" is alleged in a complaint issued against Michael E. Lec, Myron E. Lee and Kenneth L. Lee, trading as Lee-Sons and as Merlek, Alameda, Calif. (4868)

Liberty Chemical Company—Misrepresentation of a medicinal preparation sold under the names "Liberty Nasal Cream" and "Liberty Nose and Throat Cream" is alleged in a complaint issued against Georgie A. Coleman, trading as Liberty Chemical Co., 1813 18th St., N. W., Washington, D. C. (4869)

National Administrators, et. al.—Dan Trainor, Winona, Minn., trading as National Administrators; John A. Janssen and Lloyd L. Hill, trading as Consumer Distribution Consultants; Chicago Mail Order Co. and W. L. Schnadig and Ralph L. Arnheim as officers of the company; and Spiegel, Inc., and Modie J. Spiegel, Frederick W. Spiegel, Earl D. Weil, Edward L. Swikard, H. J. Meinig, Bernadette Saindon, and Walter A. Gatzert, individually and as officers of Spiegel, Inc., all of Chicago, are charged in a complaint with misrepresentation and unfair and deceptive acts and practices in commerce. (4870)

CEASE AND DESIST ORDER

The Commission issued the following cease and desist order last week:

General Tire & Rubber Co., Akron, Ohio, engaged in the manufacture and sale of automobile tires, has been ordered to cease and desist from certain misrepresentations concerning its products. (4608)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Benederm, Inc., selling a medicinal preparation designated "Benederm," and Fred W. Fox, advertising agent who has disseminated advertisements for the product, both of 8506 Sunset

Blvd., Los Angeles, have stipulated to cease and desist from representing that the product is healing or is a remedy for or effective in the treatment of skin eruptions; or that it renders normally present fatty detritus of the skin soluble or facilitates removal of the contained carbon particles. (03071)

John K. Brater & Co., Inc., 369 Third Ave., New York, selling medicinal preparations designated "Brater's Powder" and "Brater's Asnarettes," has stipulated to cease representing that the preparations are beneficial for the underlying causes of asthma or are a remedy or cure for asthma; that their use will assure one of a quiet night or free one from tortuous breathing, and that the preparations are beneficial in many forms of hay fever. (03074)

The respondent further agrees to discontinue the dissemination of any advertisements which fail to reveal that the frequent or continued use of the preparations should be avoided, especially by elderly persons, and that their use should be discontinued if dryness of the throat, excessively rapid pulse or blurring of the vision appears; provided, however, that such advertisement need only contain the statement "Caution, Use Only as Directed," if the directions for use contain a caution or warning to the same effect.

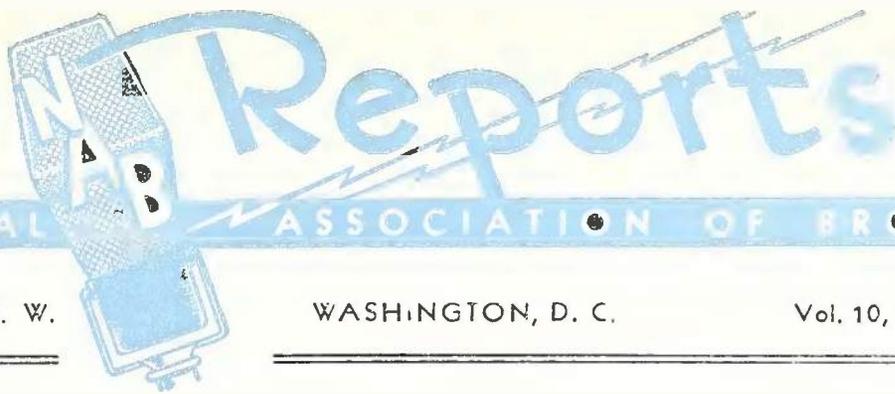
Culver Aircraft Corporation, Wichita, Kansas, engaged in the manufacture of airplanes designated "Culver Cadet," and Russell J. Alley, Los Angeles, Calif., a distributor, have stipulated to cease and desist from use of the statement "engineered to ten G's" as descriptive of the airplane and from use of that statement or any representation of similar import, the effect of which conveys the belief that the ultimate load which such airplane is or has been designed to sustain is in excess of what is actually the fact, or which imputes to the airplane a degree of safety, when operated, that is not warranted by the designed strength. (3560)

Flexrock Co., 23d and Manning St., Philadelphia, engaged in selling household supplies, including a floor wax bearing the trade name "Flexrock Non-Slip Wax," has stipulated to cease use of the hyphenated word "non-slip" as part of or in connection with the trade name for the product, which is not proof against slipping, and use of such word or words of similar meaning to convey the belief that the product referred to when applied to a floor will prevent slipping. The respondent also agrees to desist from use of the statement "lasts from three to seven times longer than ordinary wax" as descriptive of the product and from the use of any statement implying that the product when applied to floors possesses the indicated lasting qualities when in fact it is not of such durability as to warrant the claim. (3559)

Seaboard Chemical Co., Daytona Beach, Fla., selling and distributing rat and insect poisons, including a product designated "Magic Death Rat and Mouse Exterminator," has stipulated to cease and desist from use of the words "Magic Death," "Death" or "Exterminator" as part of or in connection with the trade name of the preparation and from representing that the preparation is a competent rat or mouse exterminator; that it will kill rats or mice or that its use is effective in ridding the premises of rats or mice; or that the preparation is nationally known or nationally used. The respondent also will cease using the word "Chemical" as part of his trade name or the words "Chemical" or "Chemists" or other words of like meaning to imply that he is a manufacturing chemist or conducts or operates a chemical company or business. (3558)

Sykes Laboratories, 1024 Wolfram St., Chicago, selling and distributing a medicinal preparation designated "Ardine," has stipulated to cease representing that the product is a sure or dependable contraceptive or can be relied upon to prevent conception; or that it becomes "Dakin's Solution" when diluted in four ounces of water. (03072)

Sperry Candy Co., 133 West Pittsburgh Ave., Milwaukee, selling candy, including the Denver Sandwich Candy Bar, and A. E. Meyerhoff and Madelaine G. Meyerhoff, trading as Arthur Meyerhoff & Co., 410 North Michigan Ave., Chicago, advertising agents disseminating advertisements for the product on behalf of the Sperry Candy Co., have stipulated to cease and desist from misrepresentation in advertising premiums given with candy products. They agree to stop representing, through use of the words "Lifetime Guaranteed" or in any other manner, that certain fountain pens will last a lifetime or that the pens will be repaired or the damaged parts thereof replaced without cost; and that certain frames furnished with colorphoto miniatures are made of ivory or gold when in fact they are merely of ivory color or decorated with gold colored paint. (03073)



1626 K STREET, N. W.

WASHINGTON, D. C.

Vol. 10, No. 47, November 27, 1942

OWI Disclaims Pirating

Murray Brophy, Chief of the Bureau of Communications Facilities and Deputy Director in Charge of International Broadcasting of the Overseas Branch of the Office of War Information, emphatically states that his branch of the OWI will positively not seek to employ men now associated with domestic broadcasting stations.

"The International Branch of the Office of War Information," said Mr. Brophy, "is fully aware of the tremendous importance of domestic broadcasting. Nothing we do in the international field will be allowed to impair in the slightest degree the continued efficient operation of domestic stations. I appeal to any broadcaster who learns of an employee of the International Branch soliciting men from his technical or operating staff to immediately notify me and I will summarily discharge such employee."

This statement is consistent with the utterances of Elmer Davis, OWI Director, who in his appearance before the Senate sub-committee in September, said:

"This Office has a direct and vital concern with the maintenance of the radio coverage in this country. It is one of the most important media for the conveyance of war information in general to the people, and may become of still greater importance when there is occasion for an emergency message from the national leadership. A policy which threatens the continued existence of many of these stations is injurious to the national system of communication, and may seriously hamper the work, for which this Office was established, of informing the people about the status and progress of the war effort and the war policies, activities and aims of this government."

We are sure that broadcasters will applaud the attitude expressed by Mr. Brophy. Should some over-zealous OWI employee become active in seeking technicians or other radio personnel from domestic broadcast stations, the stations are requested to immediately notify NAB Headquarters and proper action will be taken.

District Meetings

DISTRICT 15

Arthur Westlund, KRE, was reelected as district director at the District 15 meeting held November 16-17 in San Francisco.

The meeting unanimously endorsed the NAB's policy in handling the musicians' problem; commended the new OWI allocation plan, and voted to start an intense district membership campaign. In connection with this last action, the meeting voted to admit only NAB members to future sessions unless non-members are invited "for the good of the industry or the war effort."

Numerous government representatives addressed the meeting. Wilt Gunzendorfer, KSRO, presided at the sales meeting the second day.

Those registered:

Jerry Akers, KSAN; Paul R Bartlett, KFRE; Wm. H. Bates, KFRB; A. Leo Bowman, Free & Peters, Inc.; John Brunton, KQW; Ralph Brunton, KQW; S. B. Brunton, KJBS; Ed. Buckalew, CBS; Charles Paul Corbin, KIEM; Keith B. Collins, KMJ; Clyde H. Coombs, KARM; Bernard Coony, KDON; Ken Craig, KQW; Wilfred L. Davis, KYA; Lincoln Dellar, KSFO; Robert E. Dwan, KGO; John W. Elwood, KPO; Gerry E. Erwin, KTKC; Don J. Fedderson, KYA; Ed. Franklin, KJES; Adriel Fried, KXL; Wilt Gunzendorfer, KSRO; George Greaves, KPO; Les Hacker, KVEC; Don Hambly, KRE; Hewitt Kees, KOH; Gerald King, Standard Radio; Philip G. Lasky, KROW; John Livingston, Mgr., Assoc. Program Service; D. E. Lundy, KROY; C. P. MacGregor; C. L. McCarthy, KQW; Eleanor McClatchy, KFBK; Don F. Martin, KPO; Mrs. Royal Miller, KROY; Byron Mills, KPO; Wm. D. Pabst, KFRC; J. G. Paltridge, KGO; Ray Rhodes, KGO; Leo O. Rickette, KFBK; Jess Rodman, KFRE; George Ross, KWG; W. B. Ryan, KGO; Bob Schuetz, NBC; Charles P. Scott, KTKC; Bob Seal, KPO; Wm. E. Shea, Jr., KPO; Wm. B. Smullin, KIEM; Lindsey Spight, John Blair & Co.; Robert Stoddard, KFBK; George Taylor, KSAN; Will Thompson, Jr., KROY; Harry H. Wickersham, KJBS; Howard V. Walters, KDON; Art Westlund, KRE.

Lewis H. Avery, Ass't Regional Director, NAB

Dan Bowerman, United Press Assocs.

Ralph Block, Office of Civilian Def.

Eugene Carr, Office of Censorship

Dr. Margaret Chung (guest speaker), Doctor of Medicine and outstanding San Franciscan, interested in civic and state affairs. Particularly interested in aviation, being the "adopted Mother" of several hundred American aviators.

Russ Clancy, Western Division Mgr., Associated Press

Bud Forrester, Associated Press

E. J. Gough, U. S. Treasury Dept.

V. Ford Greaves, FCC Supervisor, Western Area, RID

Wm. J. Hopkins, Representative of War Man Power Commission

Mr. Haverlin, OWI

Dean Jennings, OWI

Lt. Robert L. Jones, USMCR—Public Relations Officer

Sgt. A. W. Johnson, USMCR—Public Relations Section

Eleanor Kearns, OCD

Wm. B. Lewis, OWI

Lt. Cmdr. L. Lovett, USNR Asst. Public Relations Officer

W. K. McCreery, OWI

Neville Miller, NAB President

Clifton B. Naughton, KSFO Prod. Mgr.

Harold E. Swisher, Coast Radio Mgr., U.P.

Major John S. Winch, USMC Pub. Rel. Off.

DISTRICT 17

The complex and manifold problems of broadcasting during wartime were thoroughly discussed and studied by the 69 broadcasters, government and industry representa-

(Continued on page 668)



1626 K St., N. W.

WASHINGTON

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Neville Miller, *President*C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

DISTRICT 17

(Continued from page 667)

tives who attended the two-day meeting of the Seventeenth District of NAB held in Portland, Oregon, on November 19 and 20. District Director Harry R. Spence of KXRO presided.

To seek relief in one phase of the growing man-power problem, Marshall H. Pengra of KRNR introduced a resolution, petitioning the Federal Communications Commission to relax some of the regulations pertaining to restricted operators. It was adopted unanimously.

The opening day speakers included: Mr. Spence, Neville Miller, president of NAB, who outlined the war work of NAB; Ralph Block, Regional Director, Office of Civilian Defense; Major Carlton Spencer, Selective Service Administration in Oregon; Eugene Carr, Office of Censorship; Ensign Philip N. Bladine, Public Relations Officer, Navy Department, Portland, Oregon; Sgts. R. N. Vernstrom and Wm. J. Vessey, Marine Corps, Portland and Seattle, respectively.

Toward the close of the first-day meeting, Mr. Miller reviewed the AFM-Petrillo problem and explained the policy toward the problem adopted by the Board of Directors. Following this discussion the broadcasters present unanimously endorsed the NAB stand.

At luncheon on the opening day, Palmer Hoyt, Publisher of The Oregonian, spoke briefly. He was followed by Lewis H. Avery who discussed "Good Taste in Radio Advertising."

Following luncheon, Mr. Spence was unanimously re-elected for a two-year term as Director for the Seventeenth District.

The morning meeting on the second day was confined to sales problems with Arthur Gerbel, Jr., of KOMO-KJR, acting as chairman, while the discussion was led by Mr. Avery. Midway of the morning meeting, the Retail Promotion Committee Plan was presented in detail and enthusiastically received. Several stations pledged their financial support to the plan.

At the luncheon meeting on the second day, Carl Haverlin, Headquarters Consultant, and Wm. B. Lewis, Chief, Radio Bureau, Office of War Information, presented the proposed OWI plan that is designed to become operative on January 1, 1943. The broadcasters unanimously endorsed the proposed plan by formal resolution. Other guests at the luncheon included: the Hon. Harris Ellsworth of KRNR, Congressman-elect; the Hon. Earl Riley, Mayor of Portland; and Major Joseph K. Carson, former Mayor of Portland.

Those registered:

Harry R. Spence, KXRO; Fred G. Goddard, KXRO; Chet Wheeler, KWIL; Ralph R. Cronise, KWIL; James C. Wallace, KAST; Frank H. Loggan, KBND; Joe Chytil, KELA; C. C. Chatterton, KWLK; Sheldon F. Sackett, KOOS-KVAN; Loe Bishop, KMED; Tom Olsen, KGY; Mrs. Tom Olsen, KGY; Hank Swartwood, KALE; Harry H. Buckendahl, KALE; Ted Kooreman, KALE; Mary

Elizabeth Gilmore, KBPS; Arden X. Pangborn, KEX; H. Quenton Cox, KEX; Homer J. Welch, KEX; Norman J. Sugg, KEX; Harold C. Singleton, KEX; C. W. Myers, KOIN-KALE; Art Kirkham, KOIN-KALE; Ted W. Cooke, KOIN-KALE; Chester R. Duncan, KOIN; W. J. Jorman, KWJJ; Art M. Morey, KWJJ; Marshall H. Pengra, KRNR; Robert S. Nichols, KEVR; Arthur Gerbel, Jr., KOMO-KJR; Charles A. Bailie, KOMO-KJR; John Pearson, KOMO-KJR; O. A. Runchey, KOL; Robert E. Priebe, KRSC; Miss Florence Wallace, KXA; Harvey Wixson, KHQ-KCA; A. O. Moore, KMO; Barney Kenworthy, KODL-KWRC; S. W. McCready, KVAN; Donald A. Wike, KUJ; J. A. Murphy, KMO-KIT; Jennings Pierce, NBC (Station Relations); Gerald King, Standard Radio; Carl Haverlin, BMI (Vice-President) and OWI (Headquarters Consultant Radio Bureau); E. J. Gough, SESAC and U. S. Treasury Dept.; J. F. Gale, United Press; S/Sgt. R. N. Vernstrom, U. S. Marine Corps (Public Relations); Ens. Philip N. Bladine, U. S. Navy (Public Relations Officer); John Livingston, Associated Recorded Program Service; Trevor Evans, Washington State Defense Council (Radio Director); Sgt. Wm. J. Vessey, U. S. Marine Corps (Public Relations); Ralph Block, Office Civilian Defense—Ninth Region; Neville Miller, NAB; Lewis H. Avery, NAB; Eugene Carr, Office of Censorship; George Ludlam, Office Civilian Defense (Asst. Chief of Radio); Maj. Carlton Spencer, Selective Service; Hal Byer, KWIL; Chas. E. Couche, KOIN; Frank L. Hill, KORE; J. F. Hiddleston, KIRO; Lawrence L. King, KUIN; Sidney Leeman, KVAN; Ralph E. Smith, KUIN; Warren E. Stoffer, KWIL; Ben E. Stone, KOOS-KVAN-KLBM; L. W. Trommlitz, KORE; Florence Clements, OWI; Betty Stevens, KOMO-KJR.

DISTRICT 11

"Radio is in the front line of our lives, it is the center of the home," declared Mr. Luther Weaver, business counsel and instructor in the extension service of the University of Minnesota, in a talk entitled, "How to Listen to the Radio," at the luncheon on the second day of the Eleventh District meeting of the NAB in Minneapolis. He continued by pointing out that the average listener would appreciate radio more if he had to pay for the entertainment and information it provides.

"I have heard radio criticized for its bad English yet radio has brought good English into millions of homes that never heard it before," said Mr. Weaver. "I have also heard radio criticized for the type of music it broadcasts yet radio has brought good music into homes that never heard of a symphony."

"There is so little intelligent criticism of radio," he added, "because it requires a high degree of intelligence to criticize radio adequately. If you want to listen to the radio and criticize it, then ask yourself these questions: Does the program entertain or inform entertainingly? Does the program have singleness of purpose? Does the program have beauty (or showmanship)? What can you applaud heartily? What can you condemn? What would you do if you were writing the show?"

The inspiring talk was delivered before a joint luncheon of the Radio Council for Minnesota and the broadcasters, government and industry representatives attending the meeting. More than 100 women, representing various civic and social groups, attended as members of the council. Reprints of Mr. Weaver's searching talk will soon be available to NAB members.

Following the luncheon meeting, Ed. L. Hayek, of KATE, was elected district director for the two-year term starting with the next NAB convention. Mr. Hayek has been filling the unexpired portion of the term to which Earl Gammons, of WCCO, was previously elected.

Resolutions were unanimously adopted endorsing the OWI plan. The action of the NAB in the AFM Petrillo situation and the Retail Promotion Plan. The Broadcasters also unanimously adopted a resolution endorsing the

opposition of the board of directors to the use of government money for broadcast advertising.

At the opening luncheon of the two-day meeting, on November 23, Dr. Harold C. Deutsch, famed WCCO news commentator and Associate Professor of History at the University of Minnesota, analyzed the current economic and military situation of the Allied Nations and the Axis. Considered an international authority on World War I, Dr. Deutsch outlined the position of the various nations engaged in the global war at the end of 1941, traced the economic and military developments during the past 11 months and forecast some probable developments in 1943. His informal talk was accorded rapt attention by the 48 broadcasters, government and industry representatives in attendance.

The meeting was called to order at 10:00 a. m. on Monday by District Director Ed. L. Hayek, of KATE, who briefly outlined the purposes, speakers and subjects of the two-day meeting. He was immediately followed by Neville Miller, President of NAB, who reviewed the war work of NAB and the close liaison of officials of the NAB with the various government agencies and departments charged with the conduct of the war.

Among the government representatives who discussed various phases of the war effort were: Carl Haverlin, Headquarters Consultant, Radio Bureau, Office of War Information; Major Howard O. Peterson, Chief, Radio Section, Public Relations Branch, Seventh Service Command; Major Charles J. West, First Security District, Seventh Service Command; Eugene Carr, Office of Censorship; Colonel Joseph E. Nelson, Director of Selective Service for Minnesota; Lief Gilstädt, Treasury Department and Harvey W. Wertz, Regional Director, Office of Civilian Defense.

Before lunch on the opening day, Director Hayek read a letter of appreciation from Sam C. Gale, Advertising Director of General Mills, Inc., thanking the broadcasters of this district for their splendid co-operation in the Naval Aviation Cadet program. The purpose of the program was briefly outlined by John H. Sarles of Knox Reeves Advertising, Inc., and further amplified by Lts. R. G. Robertson and Wallace Mitchell, Naval Aviation Cadet, Selection Board.

Toward the close of the first day, Carl Haverlin spoke for BMI and President Miller outlined the AFM-Petrillo problem. Following this discussion, the broadcasters unanimously endorsed the NAB stand on Petrillo by formal resolution. The meeting also unanimously endorsed the proposed OWI plan, designed to become effective January 1, 1943.

President Miller spoke informally at a banquet on the first night, outlining some of the changing conditions of broadcasting and emphasizing the obligation and opportunity that exists for broadcasters in the all-out war effort.

Lewis H. Avery, NAB; C. Alden Baker, WCCO; Milton Blink, Standard Radio; Eugene Carr, Office of Censorship; Frank E. Chizzini, NBC Thesaurus; Donn Clayton, NCBS; Tom Curran, United Press; Howard Dahl, WKBH; Bob DeHaven, WTCN; A. A. Fahy, KABR; F. E. Fitzsimonds, KFYZ; Edwin G. Foreman, Jr., The Foreman Co.; Oliver Gramling, Press Association; Carl Haverlin, BMI-OWI; Mayor Ed. L. Hayek, KATE; H. S. Hyett, WMFG; C. T. Hagman, WTCN; Morton Henkin, KSOO-KELO; Edward Hoffman, WMIN; Phil Hoffman, WNAX; Maxine Jacobs, KROC; A. E. Joscelyn, WCCO; Sam Kaufmann, WCCO; Robert S. Keller, AMP; "Cy" Langlois, LANG-WORTH; T. H. Lathrop, KATE; Barney Lavin, WDAY; Dalton LeMasurier, KILO-KDAL; H. W. Jinder, KWLM; George Ludlam, OCD; W. H. McCall, United Press; Manny Marget, KVOX; John F. Meagher, KYSM; Lynn L. Meyer, WLOL; Lucile Miller, KFAM; Neville Miller, NAB, President; Georgene O'Donnell, Office of Civilian Defense; E. W. Peterson, ASCAP; Inez Ranleau, WHLB; Fred Schilplin, KFAM; Al Sheehan, WCCO; Arthur J. Smith, WNAX; Wallace E. Stone, Press

Association; Harvey J. Struthers, WCCO; Warner Tidemann, KATE; F. Van Konynenburg, WTCN; H. E. Westmoreland, WLOL; Lee L. Whiting, WDGY; M. H. White, KWNO; Jerry Wing, KROC; Harry Woodworth, WCCO; Dr. George W. Young, WDGY.

SALARY STABILIZATION

Here is the best explanation issued to date on what to do if you want to (or argue to) make a *general* salary increase in any classification of employees who make \$5,000 or less a year. This statement came from the WLB Regional Director for Philadelphia, but it is applicable for all other regions.

It should be remembered that the WLB has authorized employers to make *individual* increases without permission under certain circumstances (NAB Reports, p. 619).

It also should be remembered that the Treasury, not the WLB, has jurisdiction over salaries of more than \$5,000 and over salaries of executives, administrative and professional employees making less than \$5,000 and not represented by unions.

The Philadelphia director's statement:

The War Labor Board has appointed a twelve-man labor-industry-public regional advisory board to assist in administration of the wage stabilization program in the area covering Maryland, Pennsylvania, Delaware and Virginia.

The Philadelphia regional office will deal only with requests for permission to increase wages or salaries of \$5,000 or less a year. Other higher salaries are dealt with through the Collector of Internal Revenue, as are salaries below \$5,000 where the employees are not represented by any union and are professional, executive or administrative workers.

Only those requests which are voluntary, on the part of employers, or arise from agreement between employers and employees will be considered in the field offices of the War Labor Board.

Final Review by WLB

All cases will be subject to final review by the War Labor Board in Washington.

Actually, the system will work in this manner: Assume you are an employer who has negotiated a wage increase with a union, or who otherwise wishes to pay higher wages. You think you should be allowed to increase your pay scale.

The first thing to do is to go to the nearest office of the wage and hour division, United States Department of Labor. There you can learn if your problem is one which must be reviewed by the War Labor Board.

If the division decides you're not obligated to obtain permission, it can give you approval to go ahead and raise your men's wages.

Subsequently, however, the regional director, reviewing the decision, may hold that the division should have held the case for review.

Then you may be allowed to continue paying the increase (if you already have granted it, relying on the division's judgment) until you have a chance to apply for permission and until formal review has been made.

Have Right to Appeal

The division may, on the other hand, have ruled that your adjustment cannot properly be made without permission of the board. In that case, if you think the division wrong, you may appeal to the regional director's office and his is the final decision in the matter.

In either event—whether the division decides that review is unnecessary and the board overrules it, or whether the division decides that review is necessary and the board upholds it, the application for formal review is the same you would have made had the division earlier held you did need permission to increase your wages and you had proceeded in the normal way.

The wage-and-hour division office you are dealing with

will hand you a long document (8½ by 24½ inches) with fourteen chief questions (some of them are subdivided).

The white original copy is the control copy of the WLB; the second sheet, pink, is later returned to you; the third, green, may be passed along to the Office of Price Administration if it is involved in the case; the fourth, salmon, is kept in the regional director's office; the fifth, yellow, is kept by you.

Information Needed

Among the information you will need to supply:

1. Your name, address, number of workers affected, proposed effective date of the pay raise, and your reasons for making it.

2. Whether the application is sought by agreement between you and a labor organization representing the employes in your plant, or on the basis of an arbitrator's or referee's award, or whether you wish to make the increase spontaneously or for some other reason.

3. The nature of your business, the number of employes, the number of hours they work in a couple of picked pay-roll periods, their straight-time hourly earnings.

4. Information on all fluctuations in wages and salaries since January 1, 1941.

And you must state whether, once you are granted permission to make your upward adjustment in pay rates, you intend to use that as an excuse for asking the OPA to allow you to raise the prices of the goods you manufacture or sell.

By this time, there should be enough information on hand to justify fair consideration of your application in the light of national wage stabilization policies laid down by the WLB on November 6 as part of the effort to stabilize our whole wartime economy.

If Union Should Object

The wage and hour division will now look to see if the union with which you have dealings has indorsed the application.

If it has not, the division will determine whether the union objects. If the union objects, the whole case is referred to the conciliation service of the Department of Labor as a dispute case; if the union agrees to the raise, the division is ready to forward the application to the regional director.

A ruling by his office on whether or not he has jurisdiction will be the first step in the regional office. He will notify you if the matter isn't one for his review.

However, if he concludes that the application does require board approval, then he may ask you or the wage and hour division for more information—or he may proceed on the application as it is.

Director's Ruling Final

No matter what he does, you will have a right to appeal. On the whole, of course, you may expect the decision he now is preparing to make to stick.

If the regional director approves your application his ruling is final—subject to later review by the National Board.

If he refers the application to a labor-industry-public panel for action, the panel's decision is final, again subject to review by the national board.

If he disapproves the application, or approves a smaller increase than you asked, you have ten days in which to file an appeal petition with the regional office and he must then refer the case to a tripartite panel.

The panel's approving ruling then, too, is subject to final review in Washington.

If the panel disapproves your application, whether it is referred to it by the regional director or received on an appeal from the director's negative decision, then the board may still check the decision on its own initiative or any member of the panel may ask the board to check it in the national interest.

Meanwhile, however, suppose you have admitted you want to increase the price of your wares after you make

this pay raise. The green copy of your application is scrutinized by the OPA. You probably will have received from the wage and hour division further forms to be filled out explaining to OPA your reasons.

An OPA objection to a WLB approval of the increase would throw the whole matter into the lap of the Economic Stabilization Director for final review and decision.

There are innumerable variations to this theme, but this simplification of the procedure is a representative illustration of the manner in which you must proceed if you want official sanction for raising the wages and \$5,000-or-less salaries of your employes.

And if you don't bother to get that approval, you'll wake up next March to find that the entire amount of the wage or salary hiked without WLB approval can't be deducted in figuring your taxable income.

FCC QUESTIONNAIRE

All but about 100 stations have responded to the FCC's questionnaire on employment and payrolls. The Commission is anxious to compile the information from the questionnaire at the earliest possible date. This information will be invaluable to stations in wage and salary negotiations and in any proceedings before the War Labor Board. The NAB cannot urge too strongly that those stations which have not yet sent in a return do so immediately.

MANPOWER SURVEY

The NAB Manpower Survey was sent to 919 stations licensed by the FCC September 15, 1942. Analysis of the survey is based on the replies received from 615 stations by October 20th. In all, 667 replies have been received.

Comparison of the stations used in the tabulation with total stations licensed is as follows:

	Licensed	In Tabulation	Percent Return
TOTAL STATIONS	919	615	67.0
Commercial	873	589	67.5
Non-Commercial	34	20	59.0
Construction Permits . . .	12	6	50.0
NAB Members	484	349	72.2
Non-Members	435	266	61.2

The sample is slightly low on clear channel stations. The approximate percentage returns are as follows:

Clear Channel	60%
Regional Channel	70
Local	70
Total	69.5

These percentage returns indicate that the sample is skewed toward small stations, and therefore the average figures presented in the survey analysis are admittedly low.

The number of persons employed by the responding radio stations on October 19, 1940, and September 15, 1942, are presented in the following table:

	October 19, 1940			September 15, 1942		
	Total	Men	Wo- men	Total	Men	Wo- men
TOTAL RETURNS	615			615		
Information Incomplete	12			7		
Station Not Operating	89			—		
RETURNS USED	514			608		
Executive	796	749	47	898	832	66
Technical:						
First Class Operators	2,435	2,435	—	2,329	2,326	3
Second Class Operators	47	47	—	168	159	9
Restricted Operators	18	17	1	242	219	23
Unlicensed Operators	281	274	7	435	385	50
Program	3,994	3,295	699	4,389	3,391	998
Commercial	1,560	1,358	202	1,481	1,206	275
General & Administrative	1,555	527	1,028	1,788	549	1,239
Miscellaneous	873	603	270	1,091	743	348
TOTAL ALL CLASSIFICATIONS	11,559	9,305	2,254	12,821	9,810	3,011

It is not possible from the above table to directly compare the figures of employment because of the differing number of stations involved. In order to see what happened during the two-year period from the individual station standpoint, it is necessary to deal in averages. On October 19, 1940, the average station employed 22.5 persons. On September 15, 1942, the figure dropped to 21.1 persons.

Percentage of change based on station averages between October 19, 1940, and September 15, 1942, by job classification is as follows:

	Total	Men	Women
Executive.....	-4.61%	-6.2%	+19.8%
Technical:			
First Class License.....	-19.1	-19.2	+Infinity
Second Class License....	+203.3	+187.9	+Infinity
Restricted License.....	+1,037.1	+990.9	+1800.0
Unlicensed.....	+30.7	+18.8	+ 485.7
TOTAL.....	-3.5	-5.8	+ 768.8
Program.....	-7.1	-13.0	+ 20.7
Commercial.....	-19.7	-24.9	+ 15.0
General & Administrative..	-2.8	-11.9	+ 1.9
Miscellaneous.....	+5.7	+4.2	+ 9.0
TOTAL ALL CLASSIFICATIONS....	-6.2%	-10.9%	+ 12.9%

The table shows that the average station is operating with less employees now than it did two years ago. Also, stations have begun to employ women to replace men. The figures also show radical changes in technical ranks. The reduction in first class license holders has been offset by the hiring of holders of second class and restricted licenses, and of unlicensed technicians.

The question immediately arises—What brings about the indicated change in employment? The analysis shows that 26.2% of the number of persons employed at October 19, 1940, were lost to the armed services during the two-year period. To the average station, this means that of the 22.5 persons employed in 1940, 4.7 persons left for the Army, Navy, Marines or Coast Guard. Those drafted represent 1.7 persons while 3 persons enlisted. In addition to these, 10.9 persons left the station to go elsewhere; to government, to other civilian employment, or to other stations. The total loss, then, of 15.6 persons represents 69.5% personnel loss in the two-year period.

The percentage of men lost to the Armed Services and total losses by job classification are as follows:

	Percent Men Lost To Armed Services	Percent All Employees Lost
Executive.....	10.1%	25.3%
Technical:		
First Class License.....	30.3	80.2
Second Class License.....	44.0	152.7
Restricted License.....	78.8	240.0
Unlicensed Operators.....	32.6	87.0
Program.....	29.4	73.7
Commercial.....	17.5	59.2
General & Administrative.....	22.9	55.4
Miscellaneous.....	22.7	82.3
TOTAL.....	26.2%	69.5%

In the matter of men lost, the tabulations show that local channel stations have been harder hit percentage-wise than regional stations, and clear channel stations have suffered least. The clear channel figures obtained are not representative because eight regional and two local channel stations were reported jointly with ten clear channel stations and could not be separated. Within this limitation, losses of personnel to the armed services constituted 22.1% of total clear channel station employment; 24% of regional channel station employment; and 33.9% of local channel station employment. All losses during the two-year period were 56.2% for clear, 69.9% for regional, and 96.8% of local channel station employees. In the

case of local channel stations, there is indication of better than a complete turnover in first class technicians, a double turnover in second class technicians and a complete turnover in program employees. Individual returns showing losses during the two-year period three times as great as the number employed in October, 1940, were not uncommon.

Draft age men (18 to 45 years) represented 68.7% of the total number of persons employed September 15, 1942. The following table shows the percentage of men to total employment in each job classification:

	% Men 20-45 Yrs. To All Employees	% Men 18-19 Yrs. To All Employees	% Men 18-45 Yrs. To All Employees
Executive.....	71.5%	1.1%	72.6%
Technical:			
First Class License.....	95.6	3.7	99.3
Second Class License....	63.8	18.5	82.3
Restricted.....	59.5	23.1	82.6
Unlicensed.....	73.4	14.3	87.7
Program.....	66.8	4.9	71.7
Commercial.....	68.9	.9	69.8
General & Administrative..	22.4	2.1	24.5
Miscellaneous.....	42.6	3.2	45.8
TOTAL.....	64.4%	4.3%	68.7%

Men considered as essential to the operation of stations constituted 19.4% of all employees. The average station with 21.1 employees having 14.4 within draft age considers 4.1 persons to be essential for continued operation of the station. The percentage of persons employed within each job classification designated as essential to the station's operation is as follows:

	Percent all Employees
Executive	31.1
Technical:	
First Class License.....	56.4
Second Class License	15.6
Restricted	16.8
Unlicensed	13.3
Program	12.3
Commercial	12.4
General and Administrative.....	2.9
Miscellaneous	0.1
Total	19.4

Of the men classified as essential to the station's operation, 78% were in Selective Service Classification 3A; 7.3% in 1A or 1B; 5.1% in 4F. Of those having 3A classification, 67% have dependent children and will, under present plans, be the last called for service.

The above information supplements the NAB Manpower Survey article which appeared in the NAB REPORTS, Page 653, November 20, 1942.

SURPLUS EQUIPMENT QUESTIONNAIRE

The FCC has announced a plan to compile an inventory of all surplus communications equipment, including broadcast. Details will be found in the current issue of the *Swap Bulletin*.

The *Swap Bulletin* is now mailed separately to all stations and is addressed to the Chief Engineer. It is believed the separate mailing, directly to engineers, will expedite the exchange of surplus material for broadcast stations.

KLX ARRANGES REPAIR PHOTO

Press department of KLX, Oakland, Cal., arranged for a newspaper photo of a well known personage bringing his radio set in for repairs, according to Adriel Fried, general manager. A service spot is broadcast daily.

The following table shows the percentage of men 20 to 45 falling within each selective service classification at September 15, 1942.

	Selective Service Classifications								Total Men 20-45
	1A 1B	2A 2B	Awaiting Call	Reserve	3A	3B	No Class.	4	
Executive.....	2.2%	2.4%	.2%	.2%	73.0%	3.3%	16.0%	2.7%	100%
Technical:									
First Class License.....	8.2	5.2	.3	.5	71.0	1.9	4.3	8.6	100
Second Class License.....	15.9	1.1		2.9	55.1	1.1	6.3	17.6	100
Restricted.....	17.3	5.5			43.9	.8	14.3	18.2	100
Unlicensed.....	13.1	1.9	1.9	1.5	59.8	1.0	9.7	11.1	100
Program.....	11.2	1.0	1.0	.7	65.1	1.1	7.2	12.7	100
Commercial.....	5.8	.5	.4	.2	77.6	.7	9.2	5.6	100
General & Administrative.....	9.7	2.4	1.5	.5	59.9	1.8	18.9	5.3	100
Miscellaneous.....	8.4	.4	.3		61.3	1.0	18.7	9.9	100
TOTAL.....	9.0%	2.3%	.7%	.6%	67.6%	1.5%	8.8%	9.5%	100%

CONTINUE SPOT A DAY

NOTE TO MANAGERS:

It will be appreciated if you will continue the broadcast of one radio serviceman's announcement per day until further notice.

In answer to your many inquiries the Radio Manufacturers Association has not yet located a man to handle the promotion campaign, among the trade, to insure sufficient service personnel to maintain sets throughout the emergency.

When RMA is ready, NAB will cooperate in necessary recruiting and in getting proper information to the public.

Philco Corp. and RCA officials, recently contacted, expressed the opinion that ultimate solution lay in substituting servicewomen for servicemen, but in a streamlined, factory type of operation.

Such a move would also be regarded with favor by the government because it would release the maximum number of servicemen to the armed services.

OWI RADIO MEETING

William B. Lewis, Assistant Director of the Office of War Information in charge of the Radio Bureau, announces that all radio consultants appointed to assist in functioning the regional and local broadcasting plan of OWI, have been called to a meeting in Washington on December 28-29-30. The consultants will at that time meet with the Regional Directors and the officials of the headquarters office of OWI to perfect plans for the coordination of government programs originating regionally and locally. Some 35 are expected to attend.

FREE TIME OFFER

The Progressive Circulation Company, Palmer Building, Hollywood, Cal., is sending out releases to radio stations to advertise, free of charge, two magazines, "Progress Digest" and "Our Army."

NAB PUBLICATIONS AT N. Y. MEETING

NAB publications will be used and distributed at the audio-education section meeting of the 1942 convention of the New York State Association of Elementary Principles, Hotel Syracuse, Syracuse, N. Y., late in December.

Max U. Bildersee, radio supervisor, The University of

the State of New York, The State Education Department, Albany, will direct a round table during the convention.

GEN. DENIG THANKS INDUSTRY

An official note of appreciation from the Marine Corps for the assistance that broadcast stations and NAB provided, "in making our 167th Anniversary so memorable a national observance," was received Wednesday, November 25, from Brigadier General Robert L. Denig, U. S. Marine Corps, Director, Division of Public Relations.

Said General Denig, in part:

"The most potent and stimulating incentive any military force can be furnished is the knowledge that its people and country are aware and appreciative of its services. The attention given the Corps during the past several weeks will be firmly impressed on each and every Marine, whether he be in Tulagi, Trinidad, or Toledo.

"Please accept this message of earnest thanks for yourself and your association."

MRS. LEWIS COMPLETES TRIP

Mrs. Dorothy Lewis, Coordinator of Listener Activities for the NAB, has just completed a swing through 22 states, visiting 49 cities. The trip brought her into contact with about 10,000 leaders in national and state organizations, educators and students, and unorganized listeners.

The itinerary for Mrs. Lewis' next trip will be announced soon.

Under the aegis of the NAB, Mrs. Lewis held 24 conferences on "Children in Wartime." These were attended by state and local leaders of civic welfare organizations; educators and broadcasters. Radio executives displayed a fine leadership in taking the initiative in helping to solve this important wartime problem.

The subject "Radio serves the war and post-war era" was discussed at 17 conferences, based on a new plan whereby each person present takes part. In many cases it proved to be the first time the subject had been brought to the attention of listeners. Before each meeting, Mrs. Lewis gave a summary of American radio's wartime participation, covering—the propaganda front, here and abroad; the great service rendered in drives for bond and stamp sales, salvage, manpower, etc.; dramatic story of radio's service to and from the service men; the enormous personal and financial contribution of the broadcasters to the war effort; the purposes of OWI; radio's serious problems in shortages incident to the draft and priorities of materials and, finally, a forecast of the place American radio, the purest expression of our democratic form, will take in making the peace and setting up a global society

in which radio must play a significant part. She found the listeners to be articulate regarding their admiration for the manner in which radio is serving the war effort.

Unanimous public opinion continues to support the broadcasters in the Petrillo issue. Numerous resolutions were passed by Radio Councils and club groups protesting his recording ban as an un-American action. The public stands ready to cooperate in any remedial plans taken by NAB toward the ultimate solution and this vexacious problem. The listeners urge immediate and constructive action.

A good many new listeners councils are in process of establishment. These will be at Toledo, Mankato, Fargo, Omaha, Des Moines, Kansas City, Wichita, Inter-Mountain Area, Missoula, Spokane, Sacramento, San Francisco, Oakland, and the suburban area of Los Angeles. Radio Councils are active in the issuance of accredited lists; making local studies, and surveys; setting up war coordinating committees to relieve pressure on local broadcasters; listening post committees on war news; Peabody Award Committees; Promotion and Publicity Committees to handle the job of reaching all participating organizations with programs about their American system of radio; and to increase newspaper cooperation and better listings; Radio Education Committees to expedite the equipment of schools, to establish radio divisions in state and local Departments of Education and to interest teachers in using radio as a teaching aid; Children's Program Committee to help to promote current local children's programs and to assist in the creation of new ones through cooperation of schools, libraries, and local little theater groups, and the expansion of the Council's open meetings to reach larger segments of the population.

Meetings were held in a number of colleges under the title "The Laymen's Place in American Radio." Mrs. Lewis spoke to 2200 freshmen at the University of Utah in a unique program of entertainment and education arranged by Earl J. Glade of KSL, chairman of the NAB Code Committee. Ed Barrett of Drake University arranged a fine conference at Des Moines with state leaders in radio on the panel. John J. Gillen, Jr., NAB 10th District Director, set up a round table discussion by students at Creighton University. Two fine conferences were held at Peabody College at Nashville, Tenn. About 50 University of Iowa students gathered for a Sunday afternoon session at WSUI. These are a few highlights in this field of activity. NAB participated in the School Broadcast Conference in Chicago with an afternoon meeting under the title "The Library Serves The Children's Programs Field." Educational Directors and librarians served on a fine panel. Recordings submitted by stations from all parts of the country, were played. The American Library Association rendered invaluable assistance and will aid the broadcasters in this important area of programs for juveniles.

Mrs. Lewis was privileged to attend two radio conferences in Canada at Winnipeg and Vancouver; the first of their kind in these provinces. Interest was high in the Radio Council plan and the contribution which they are making to the education and cultivation of the listeners. Children's entertainment and educational programs were high-lighted.

Many broadcasts were made and excellent newspaper publicity given throughout the tour. Stations and organizations continue to give excellent support for which both NAB and Mrs. Lewis express appreciation.

PEABODY AWARDS

The deadline for submitting entries for a George Foster Peabody Award for 1942 is December 15. Entry blanks are available at the NAB.

SELECTIVE SERVICE HANDBOOK

Copies of the NAB Selective Service Handbook and Supplements, and letters from Government agencies attesting the importance of radio broadcasting in support of the war effort have been sent to all State Directors of Selective Service.

FEDERAL COMMUNICATIONS COMMISSION

NETWORK LINE CHARGES

It will be suggested that the FCC should look into the line charges on network operations in its A.T.&T. investigation, James Lawrence Fly, Chairman, told newsmen at his press conference Monday. He said that the Commission should do everything that it reasonably could in terms of public interest, particularly in extending network broadcast service.

"That becomes particularly important," he said, "in the sparsely settled areas and the far-reaches of the country where little or no network service is available, and if any reduction which is made can be applied in part to meet that need I think it might be a very fortunate result."

When asked if the BWC has been giving any serious consideration to the problem of maintaining receivers, Mr. Fly said, "I don't think we have had a recent study of that problem although we did have a study within the past year, and at that time we found that we had enough receivers to meet the expected demand for a substantial time, and I think we had a comparable amount of replacement equipment. It is conceivable that some time in the very remote future we may come to the point where there is not enough material to repair the radios. However, there are enough radios to go around if properly distributed."

Mr. Fly was questioned as to whether or not FCC will permit some of the small stations to suspend operation. He said, "That is a problem which has been posed and about which nothing definite has been done. I think we would want to consider other possibilities first. That is not a very wholesome result, and in many cases the very stations that would close down are the essential stations to give information to the people who would not otherwise get it."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, November 30. They are subject to change.

Monday, November 30

KWG—McClatchy Broadcasting Company, Stockton, Calif.—C. P., 1230 kc.; 250 watts; unlimited.

Further Hearing

NEW—Wilkes-Barre Broadcasting Corporation, Wilkes-Barre, Pa.—C. P., 1240 kc.; 250 watts; unlimited; Req. fac. WBAX.

- NEW—Central Broadcasting Company, Wilkes-Barre, Pa.—C. P., 1240 kc.; 250 watts; unlimited; Req. fac. WBAX.
 NEW—Northeastern Pennsylvania Broadcasters, Inc., Wilkes-Barre, Pa.—C. P., 1240 kc.; 250 watts; unlimited; Req. fac. WBAX.
 NEW—Key Broadcasters, Inc., Wilkes-Barre, Pa.—C. P., 1240 kc.; 250 watts; unlimited; Req. fac. WBAX.

Tuesday, December 1

- KROY—Royal Miller, Sacramento, Calif.—C. P., 1240 kc.; 250 watts; unlimited.

Wednesday, December 2

Further Hearing

- WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, 1310 kc.; 500 watts; SH-WCAM & WCAP.
 WTNJ—WOAX, Incorporated, Trenton, N. J.—Modification of license, 1310 kc.; 500 watts; unlimited; Req. fac. WCAM & WCAP.
 WCAM—City of Camden, Camden, N. J.—Renewal of license, 1310 kc.; 500 watts; SH-WTNJ & WCAP.
 WCAM—City of Camden, Camden, N. J.—Modification of license, 1310 kc.; 500 watts; SH-WCAP; Req. fac. WTNJ.
 WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, 1310 kc.; 500 watts; SH-WTNJ & WCAM.
 WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license, 1310 kc.; 500 watts; SH-WCAM; Req. fac. WTNJ.

Friday, December 4

Further Consolidated Hearing

- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—C. P., 1220 kc.; 5 KW; unlimited; DA-day and night.
 WHBC—The Ohio Broadcasting Co., Canton, Ohio.—C. P., 1480 kc.; 1 KW; unlimited; DA-night.
 WADC—Allen T. Simmons, Tallmadge, Ohio.—C. P., 1220 kc.; 50 KW; unlimited; DA-day and night.

**FEDERAL COMMUNICATIONS
 COMMISSION ACTION**

APPLICATIONS GRANTED

- KPAS—Pacific Coast Broadcasting Co., Pasadena, Calif.—Granted modification of construction permit for approval of directional antenna as now adjusted and for extension of completion date; granted subject to the condition that the change in antenna will protect other station assignments on the frequency 1110 kc. in accordance with the North American Regional Broadcast Agreement. (B5-MP-1636)
 WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted modification of construction permit (B3-MP-1665) for approval of directional antenna.
 KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Granted modification of license (B3-ML-1144) to increase nighttime power from 100 watts to 250 watts.
 WRUL—World Wide Broadcasting Corp., Boston, Mass.—Granted further extension of license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than January 1, 1943. (B1-SIB-12)

DESIGNATED FOR HEARING

- KYA—Palo Alto Radio Station, Inc., San Francisco, Calif.—Designated for hearing application for modification of license (B5-ML-1127) to move the main studio from San Francisco to Palo Alto, Calif.
 KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Designated for hearing modification of construction permit (B5-MP-1602) for approval of transmitter site and directional antenna.
 KEX—Fisher's Blend Station, Inc., Seattle, Wash.—Designated for hearing application for construction permit to install new transmitter, install directional antenna for day and

night use, increase power from 5 KW to 50 KW and move transmitter locally. (B5-P-2629)

- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.; WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.; WJAG—The Norfolk Daily News, Norfolk, Nebr.—Designated for further hearing applications of (1) KFAB for construction permit to install a new transmitter and directional antenna for nighttime use, change the transmitter and studio location from Lincoln to Omaha, and change operating assignment from 780 kc. with 10 KW power simultaneously during the daytime and sharing time at night with WBBM (operates under a Special Service Authorization simultaneously day and synchronously at night with WBBM); (2) WBT for construction permit to install a directional antenna for nighttime use and change transmitter location; (3) WBBM for modification of license to change hours of operation on 780 kc. with 50 KW from simultaneously daytime and sharing time at night with KFAB, to unlimited time; and (4) WJAG for construction permit to install new antenna and change operating assignment from 1090 kc., 1 KW, limited to local sunset at WBAL and KTHS, to 780 kc., 1 KW, daytime only. (Dockets Nos. 5270, 5269, 5271 and 5864 respectively)

LICENSE RENEWALS

The following stations were granted renewal of licenses for the period ending December 1, 1944:

- KTUL, Tulsa, Okla.; WALA, Mobile, Ala.; WCBA, Allentown, Pa.; KQV, Pittsburgh, Pa.

Licenses for the following stations were extended upon a temporary basis only pending determination upon application for renewal, for the period ending January 1, 1943:

- KARM, Fresno, Calif.; KCRC, Enid, Okla.; KDTH, Dubuque, Iowa; KEVE, Everett, Wash.; KFMB, San Diego, Calif.; KGCX, North of Sydney, Mont.; KGIR, Butte, Mont.; KINY, Juneau, Alaska; KLO, Ogden, Utah; KPRO, Riverside, Calif.; WAAB and auxiliary Boston; WDBC, Escanaba, Mich.; WHK, Cleveland, Ohio; WHOM and auxiliary, Jersey City, N. J.; WOKO and auxiliary, Albany, N. Y.; WQBC, Vicksburg, Miss.; WWRL, Woodside, L. I., New York.

The licenses for the following stations were extended upon a temporary basis only, pending determination upon application for renewal, for the period ending February 1, 1943:

- KBUR, Burlington, Iowa; WCRS, Greenwood, S. C.; WSYB, Rutland, Vt.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon application for renewal, for the period ending January 1, 1943:

- KBST, Big Springs, Texas; KCMC, Texarkana, Texas; KCRJ, Jerome, Ariz.; KGEZ, Kalispell, Mont.; KGFV, Kearney, Neb.; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Texas; KHBC, Hilo, Hawaii; KHBG, Okmulgee, Okla.; KID, Idaho Falls, Idaho; KIEM, Eureka, Calif.; KPLT, Paris, Texas; KRBA, Lufkin, Texas; KRBC, Abilene, Texas; KVGB, Great Bend, Kans.; KWFC, Hot Springs, Ark.; KWKH, Shreveport, La.; KXL, Portland, Ore.; WBBZ, Ponca City, Okla.; WBNX, New York City; WBRW, Welch, W. Va.; WCAZ, Carthage, Ill.; WCBT, Roanoke Rapids, N. C.; WCOC, Meridian, Miss.; WCOP, Boston; WEDC, Chicago; WFCI, Pawtucket, R. I.; WFIN, Findlay, Ohio; WFPG, Atlantic City, N. J.; WFTC, Kinston, N. C.; WGES, Chicago; WING, Dayton; WJBW, New Orleans; WLBJ, Nr. Bowling Green, Ky.; WLOF, Orlando, Fla.; WMRO, Aurora, Ill.; WNBZ, Saranac Lake, N. Y.; WOCB, Nr. Hyannis, Mass.; WSPB, Sarasota, Fla.; WTEL, Philadelphia, Pa.; WTRC, Elkhart, Ind.

- W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending January 1, 1943.

- W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending January 1, 1943.

- W8XO—The Crosley Corp., Nr. Mason, Ohio.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending January 1, 1943.

MISCELLANEOUS

- KWTO—Ozark Broadcasting Co., Springfield, Mo.—Granted modification of construction permit as modified, for change in

hours of operation, installation of directional antenna for night use, and move of transmitter, for extension of completion date from November 19, 1942, to May 18, 1943 (B4-MP-1657).

WDEL—WDEL, Inc., Wilmington, Del.—Granted modification of construction permit as modified, for increase in power, installation of new transmitter and directional antenna for day and night use, for extension of completion date from November 17, 1942, to December 17, 1942 (B1-MP-1670).

WALB—Herald Publishing Co., Albany, Ga.—Granted authority to determine operating power by direct measurement (B3-Z-1302).

W45BR—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted license to cover construction permit for new high frequency broadcast station and change studio location locally (B3-LH-2).

W69PH—WCAU Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit for new high frequency broadcast station (B2-LH-27).

KEX—Oregonian Publishing Co., Portland, Ore.—Denied request for special service authorization to install a 10 KW transmitter, and operate with 10 KW power with present vertical antenna for the license period ending January 1, 1943. (The present assignment of KEX is 1190 kc., 5 KW power, unlimited time (B5-SSA-30)).

APPLICATIONS FILED AT FCC

860 Kilocycles

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—License to cover construction permit (B5-P-2631 as modified) which authorized increase in power, change hours of operation, install new transmitter and directional antenna for night use and move transmitter.

910 Kilocycles

WABI—Community Broadcasting Service, Bangor, Maine.—Modification of construction permit (B1-P-2349 as modified) which authorized change in frequency, increase in power, installation of new transmitter and directional antenna for night use for change in type of transmitter and extension of commencement and completion dates.

1090 Kilocycles

KTHS—Radio Broadcasting, Inc., Hot Springs National Park, Ark.—Extension of special service authorization to operate unlimited time (simultaneous with WBALO) with power of 1 KW night, 10 KW daytime for the period ending 4-1-44.

1140 Kilocycles

KGDM—E. F. Peffer, Stockton, Calif.—Modification of construction permit (B5-P-3199 as modified) which authorized change in frequency, increase in power, change in hours of operation, installation of new transmitter and directional antenna for night use, for extension of completion date from 12-20-42 to 1-20-43.

1220 Kilocycles

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to make changes in equipment, change in directional antenna for day and night use, change frequency from 1480 kc. to 1220 kc., increase power from 1 KW night, 5 KW daytime to 5 KW day and night. Amended to request move of transmitter to Broadview Heights Village, Ohio.

1240 Kilocycles

KICD—Iowa Great Lakes Broadcasting Co., Spencer, Iowa.—License to cover construction permit (B4-P-3178 as modified) which authorized construction of new standard broadcast station.

1290 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of construction permit (B5-P-3100 as modified) which authorized installation of directional antenna and increase in power for extension of completion date from 12-16-42 to 1-16-43.

1300 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Modification of construction permit (B2-P-2874 as modified) which authorized increase in power, move of transmitter and studio, installation of new transmitter and directional antenna for night use for extension of completion date from 11-23-42 to 12-23-42.

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—License to cover construction permit (B2-P-2874 as modified) which authorized increase in power, move of transmitter and studio, installation of new transmitter and directional antenna for night use.

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Authority to determine operating power by direct measurement of antenna power.

1320 Kilocycles

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—License to cover construction permit (B2-P-2947 as modified) which authorized increase in power and installation of directional antenna for night use.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Authority to determine operating power by direct measurement of antenna power.

WATR—The WATR Co., Inc., Waterbury, Conn.—Voluntary assignment of license from The WATR Co., Inc., to Harold Thomas.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATIONS

W75P—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—License to cover construction permit (B2-PH-66 as modified) which authorized construction of new high frequency broadcast station, in part, in accordance with Commission Action of 8-4-42.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Albee Studio, 1426 G St., N. W., Washington, D. C., selling and distributing photographs, colored photographs, and enlargements and miniatures of photographs, is charged in a complaint with misrepresentation. (4871)

Purity Candy Company—Use of lottery methods in the sale of candy to ultimate purchasers is alleged in a complaint issued against Peter and James Anastasoff, trading as Purity Candy Co., 1135 North 6th St., St. Louis. (4872)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Consumer's Research Service and Consumer's Report Service, 223 West Jackson Blvd., Chicago, has been ordered to cease and desist from misrepresentation. (4734)

Sterling Sales Co., and **Craftsman Sales Co.,** 775 West Jackson Blvd., Chicago, have been ordered to cease and desist from the use of lottery methods in the sale of novelty merchandise. (4656)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Cosby Brush & Import Co., Inc., 630 Fifth Ave., New York, engaged in the sale and distribution of combs and brushes has stipulated, in connection with the sale and distribution of products not produced in London, England, to cease and desist from use of the words "Kent of London" as a trade-mark for the products or as descriptive thereof, and from use of the word "London," either alone or in connection with the word "Kent," so as to convey the belief that the products were produced in or imported from London, England. (3562)

Federal Adjustment Bureau, 2718 East Franklin St., Richmond, Va., engaged in the sale and distribution of mimeographed, multigraphed or printed material consisting of form letters for use in collecting accounts, has stipulated to cease and desist from use of the word "Federal" as part of his trade name and from use of such word or other words of similar meaning so as to convey the belief that he is connected or associated with the Federal Government or any agency thereof. (3563)

Flock Manufacturing Co., 4th and Cambria Streets, Philadelphia, selling and distributing knitting yarns, have stipulated that, in connection with the advertising and sale of their products, they will cease and desist from use of the words "Scotch," "English," "Devonshire," "French" or "Shetland" as descriptive of yarns made in the United States of domestic wool and from use of these words in any way to imply that the products are imported from the country or places indicated; from advertising or selling products composed in whole or in part of rayon without clearly and unequivocally disclosing the fact that the products contain rayon, and, when they are composed in part of rayon, from failing to disclose each constituent fiber or material by name in the order of its predominance by weight, beginning with the largest single constituent. (3566)

H. A. Langmaid Manufacturing Co., Elmira, N. Y., packaging and distributing a powder preparation for treating hosiery and lingerie, has stipulated to discontinue use of the words "Not-A-Run" as a trade name for the preparation and from use of the words "Prevents Runs and Tears" or any similar statement conveying the belief that use of the preparation on fabrics such as

silk hosiery or lingerie will eliminate the possibility of or prevent runs and tears in the fabrics so treated. The respondent also agrees to stop using the word "Manufacturing" as part of his trade name so as to convey the belief that he makes or manufactures the preparation, or owns, operates, or controls the plant or factory in which it is manufactured. (3565)

Presto Recording Corp., 242 West 55th St., New York, selling and distributing recording discs designated "Presto Discs," has stipulated in connection with the sale and distribution of its recording discs, to cease and desist from representing that the bases of the discs are composed of plate glass. (3567)

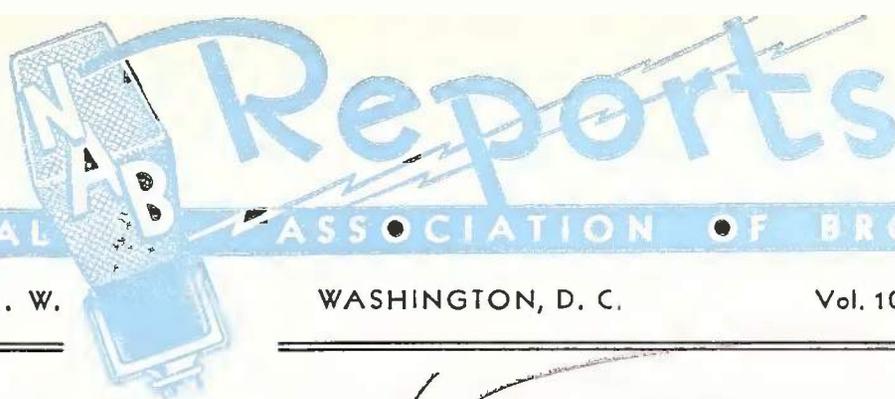
Sanitary Feather Works, Fort Worth, Texas, selling quilts and pads designated "Fetherfluff," has stipulated to cease representing that bedding sold on the market in competition with his products will be harmful to the user; that use of his commodities will cause the user to enjoy a more healthful, restful and revitalizing sleep than do competitive products; that use of his commodities is an effective treatment for rheumatism, arthritis and similar diseases or that they retain their efficiency without impairment for ten years; and that the prices at which he sells his commodities are special or reduced prices applicable for a limited time only when in fact they are the usual prices at which the commodities are sold. (3564)

Vanola Herb Tea Co., 260 East 161st St., New York, selling and distributing a medicinal preparation designated "Vanola Laxative Herb Tea," has stipulated to cease and desist from representing the preparation as an adequate treatment or effective remedy for stomach disorders, headaches, dizziness, or digestive disturbances, or that it has any therapeutic value except as a temporary laxative for the relief of constipation; from use of statements implying that the condition known as sour stomach is caused by temporary constipation or that the preparation is of any value in its treatment; and from representing that the preparation can be relied upon to make the individual healthier or that it has any effect in inducing sound sleep. (3561)

FTC CASE CLOSED

The Federal Trade Commission has ordered that the case growing out of the complaint against John A. Wathen Distillery Co., Louisville, Ky., be closed without prejudice to the right of the Commission, should future facts so warrant, to reopen it and resume trial in accordance with its regular procedure.

The complaint alleged misuse of the name Wathen. The respondent has changed its corporate name from John A. Wathen Distillery Co. to Midwest Industries, Inc.



LOCALLY ORIGINATED WAR EFFORT BROADCASTS *Report*

AUGUST — SEPTEMBER — OCTOBER, 1942

1,534,190 ANNOUNCEMENTS . . . 160,100 PROGRAMS

Tabulated on this page is the record of station sponsored government announcements and programs broadcast during the months of August, September and October. Total announcements and programs for six months ending with October:—

3,075,830 ANNOUNCEMENTS, AND 346,175 PROGRAMS

A substantial amount of time devoted to the war effort by commercial sponsors is not included. Nor are the many sustaining programs originated by networks and broadcast by affiliated stations.

	Spots	3 Min. Live	5 Min. Live	10 Min. Live	15 Min. Live	20 Min. Live	25 Min. Live	30 Min. Live	40 Min. Live	45 Min. Live	55 Min. Live	60 Min. Live	90 Min. Live	105 Min. Live	178 Min. Live
Army.....	126,710	360	1,460	510	4,590	.....	390	2,100	.....	60	.....	260	.....	.....	.....
Navy.....	128,940	1,060	.....	170	4,440	10	.....	590	10	10	.....	10	10	.....	.....
Marines.....	98,760	.....	460	360	3,480	.....	10	80	.....	.....	.....	.....	.....	10	.....
Coast Guard.....	66,330	.....	170	310	580	90	.....	60	.....	.....	.....	.....	.....	.....	.....
Civil Service.....	65,190	.....	20	10	150	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Recr. Shipyard Wkrs....	5,790	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Recr. Nurses & Doc.....	47,110	.....	150	50	60	.....	.....	50	.....	.....	.....	.....	.....	.....	.....
Labor Recr., War Ind. Train.	45,560	.....	820	170	1,470	.....	.....	50	.....	.....	.....	.....	.....	.....	.....
CAA.....	6,390	.....	220	.....	90	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Treasury.....	475,340	240	1,740	410	5,930	20	10	1,900	10	230	20	480	.....	20	10
Army Emerg. Relief.....	7,920	.....	200	.....	270	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
U S O.....	22,660	.....	70	10	630	.....	.....	500	.....	.....	.....	.....	.....	.....	.....
Red Cross.....	66,330	.....	330	580	1,000	.....	.....	150	.....	.....	.....	.....	.....	.....	.....
Civilian Def. All Kinds..	46,650	20	3,750	520	3,690	.....	.....	350	.....	10	.....	10	10	.....	.....
Nutrition.....	6,640	.....	760	660	1,020	.....	80	.....	.....	.....	.....	10	.....	.....	.....
Fire Prev. Wk. (Oct. Only)	11,240	.....	200	80	330	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Can't Do Biz. Hitler....	160	.....	10	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Neighborhood Call.....	390	.....	.....	.....	70	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
This is Our Enemy.....	.....	.....	.....	.....	10	.....	.....	140	.....	.....	.....	.....	.....	.....	.....
Three-Thirds Nation.....	.....	.....	.....	.....	.....	.....	.....	40	.....	.....	.....	.....	.....	.....	.....
The Home Front.....	.....	.....	.....	.....	460	.....	.....	190	.....	.....	.....	.....	.....	.....	.....
OWI-WPB-OPA-AGRI..	245,000	(Total Programs Various Lengths—21,810)													
Fuel Conservation.....	30,740	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Other Agencies.....	30,340	.....	880	920	7,010	.....	80	1,690	10	20	.....	70	.....	.....	.....
TOTALS.....	1,534,190	1,680	11,240	4,760	35,280	120	570	7,850	30	330	20	840	20	30	10

	210 Min. Live	260 Min. Live	360 Min. Live	3 Min. ET	5 Min. ET	10 Min. ET	15 Min. ET	20 Min. ET	30 Min. ET	60 Min. ET
Army.....	80	10	9,150	.....	.....	.....
Navy.....	10	10	.....	.....	.....	.....	10,350	20	70	.....
Marines.....	110	3,970	.....	40	.....
Coast Guard.....	10	.....	.....	.....
Civil Service.....	50	.....	.....	.....
Labor Recr. & War Ind. Train.	230	.....	.....	.....
Treasury.....	10	700	5,290	.....	39,490	.....	100	40
U S O.....	10	.....	.....	.....
Red Cross.....	10	.....	10	.....
Civilian Def. All Kinds..	180	.....	.....	.....
Nutrition.....	160	.....	.....	.....
Fire Prevention.....	170	20	890	.....	.....	.....
Can't Do Biz. Hitler....	10,920	.....	.....	.....
Neighborhood Call.....	7,120	.....	.....	.....
This is Our Enemy.....	1,250	.....
Three-Thirds Nation.....	210	.....
The Home Front.....	130	.....	.....	.....
OWI-WPB-OPA-AGRI..	(Total ET's various lengths—16,220)									
Other Agencies.....	540	30	5,710	.....	120	.....
TOTALS.....	10	10	10	700	6,080	170	88,380	20	1,900	40



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

OPA ON RETAIL STANDARDS

In his presentation at District Meetings, Lewis H. Avery, Director of the Department of Broadcast Advertising, is pointing out some of the problems confronting retailers under wartime economy. Some of the factors that are being emphasized are:

All retailers are going to have less to sell.

Retailers' costs are going up and their profits are coming down.

Retailers will have to cut down on many services.

Customers will need more help and advice in buying than ever before.

As a part of the presentation, broadcast advertising is urged as the best medium for retailers to tell their customers what they are trying to do for them—what their problems are—why customers should buy more efficiently and economically—why retailers are short of help—why they must cut down on many services. Because broadcasting brings the colorful, persuasive human voice into the homes of customers, this medium has been promoted as the most effective to create public sympathy and support for retailers. The retailer must keep his customers' good will if he is to survive the crisis in merchandising brought on by the war. And broadcasting is the perfect means for creating and holding good will.

The problems which all retailers face were somewhat crystallized by the order issued November 24, 1942, by Administrator Leon Henderson at the Office of Price Administration. The advance release, accompanying the order, says in part:

"Shopping in wartime America is going to mean new problems for the women of this generation, who are used to a variety of store services unknown to their mothers and grandmothers. That much is clear from the order which authorizes curtailment or elimination, without lowered ceiling prices, of a number of shopping conveniences that most people have taken for granted up to now.

"The order allows retailers to curtail non-essential delivery service. Any merchant can tell his customers to carry their own packages, whether the order is made over the counter or by telephone—provided the bundles are of reasonably carryable weight and size and do not contain items necessary in an emergency, such as drug prescriptions.

"The order also allows stores to do away with sales on approval and most returns of merchandise, and OPA recommends that they do so. The order permits them to cut out such services as "layaways," free phone service, gift wrapping after the Christmas holidays, style shows, bridge classes, exhibitions and holiday decorations.

"The measures are only part of a steadily widening picture of store economy. Deliveries already have been cut—many stores now deliver only once or twice a week. Credit has been restricted—strict controls have been placed over loans and installment buying, and shorter periods allowed for paying up charge accounts.

"As most commodities, transportation facilities and manpower are absorbed into the war effort, the situation is bound to become tighter. During 1943, no woman will be able to buy as much as she wants of anything. And this means not only radios and refrigerators, but food, clothing, drugs and other essentials. Stores will have too many customers and too few goods to sell."

Section VI of the order carries instructions of special interest to all radio station sales staffs. Here is the text of that section:

"*Special promotional expenditures.* Reduce by at least 50% of similar expenditures during 1941, the cost of purely promotional devices, examples being holiday decorations, style shows, exhibitions, etc.

"This recommendation does not apply to advertising or to promotional or educational programs directly connected with the war effort, such as sales of bonds, price control education, or education of consumers concerning necessity of wartime economies."

EXTENSION OF OPERATORS PERMITS REQUESTED FROM FCC

Broadcasters of District 17 started the ball rolling to secure action by the Federal Communications Commission in extending the period during which restricted operators permits will be valid.

Unanimously adopting a resolution prepared by Marshall H. Pengra, KRNR, the Washington-Oregon broadcasters put the stamp of approval upon a move to secure an extension for 6 months of the time during which restricted operators employed by stations would be permitted to serve. Strength has been gathered behind this resolution by its adoption by the District 11, 10 and 9 broadcasters.

NAB has officially transmitted the original District 17 resolution and a explanatory letter regarding it, written by Mr. Pengra, to FCC-BWC Chairman James Lawrence Fly. Howard Frazier, NAB alternate on Domestic Broadcasting Committee IV of BWC has been instructed to urge the matter before that Committee.

Sales

RETAIL PROMOTION COMMITTEE MEETS

The enlarged Retail Promotion Committee announced in Retail Promotion Bulletin No. 2, held its first meeting in Chicago coincident with the District 9 meeting. Sheldon Coons, radio and retail consultant to the committee, discussed methods of implementing the plan. Chairman Paul W. Morency reports that he and all of the members of the committee are very much gratified at the manner in which the stations have responded to the financial campaign.

"We now feel assured," said Chairman Morency, "that the necessary finances to carry out the committee plan will be forthcoming. We will hold another meeting of the full committee some time after the first of the year when the District meetings have all been completed. At that time we hope to crystalize our activity and get the retail promotion plan under way."

Following are the members of the enlarged Retail Promotion Committee:

Paul W. Morency, Chairman WTIC, Hartford, Conn.	Kenneth K. Hackathorn WHK-WCLE, Cleveland, O.
Robert E. Bausman WISH, Indianapolis, Ind.	Arthur Hull Hayes WABC, New York, N. Y.
Gene L. Cagle, Texas State Network, Ft. Worth, Tex.	Walter Johnson WTIC, Hartford, Conn.
Dietrich Dirks KTRI, Sioux City, Iowa	C. L. McCarthy KQW, San Jose, Calif.
William C. Gillespie KTUL, Tulsa, Okla.	John M. Outler, Jr. WSB, Atlanta, Ga.
Sherman D. Gregory WEAF, New York, N. Y.	Oliver Runchey KOL, Seattle, Washington

All of the new curtailments and restrictions clearly indicate the need for a new approach to advertising on the part of department stores and retail establishments. The need for this new approach will be coupled with the promotion of broadcast advertising by alert station managers, sales managers and salesmen. Obviously, the general public needs to be told about these curtailments and restrictions. Such educational work can be done more convincingly and effectively through broadcasting.

PER INQUIRY AND FREE TIME REQUESTS

The Robert Peterson Advertising Agency, Chicago, is asking for time on a per-inquiry basis for a Vitamin Health Food account and a Life Insurance account.

The Greeting Card Industry, New York City, is still attempting to secure free time to promote the sale of greeting cards.

Labor

SALARY STABILIZATION

The Treasury Department on December 2 issued its regulations on the stabilization of salaries above \$5,000 and salaries of \$5,000 or less paid to *unorganized* executive, administrative and professional employees.

The regulations also covered the enforcement of the \$25,000 limit.

Increases in salaries over which the Treasury Department has control must be approved by the Commissioner of Internal Revenue before going into effect. The Treasury indicates that it will follow approximately the same general policy as previously outlined by the War Labor Board for salaries under \$5,000 (see NAB REPORTS, p. 647).

The text of the Treasury Statement is printed on p. 684.

The War Labor Board on December 2 held that automatic cost-of-living increases provided by union agreements must not bring salaries to more than 15 per cent above their January, 1941, figure.

GRIFF WILLIAMS DECISION ✓

The Supreme Court has refused the request of the American Federation of Musicians to review the "Griff Williams case."

In this case, the Seventh Circuit Court of Appeals held that Williams, the leader, and not the proprietor of a dance hall where Williams and his band played, was the employer of the musicians for social security tax purposes.

Williams, the court found, selected, discharged and trained the members of the band. The proprietor of the dance hall paid a contract price by check to the leader who in turn paid the orchestra members by his own checks under separate agreement with them.

The court found that the dance hall proprietor had no right of direction and control necessary to establish the employer-employee relationship between him and the orchestra members.

The facts in this case should be carefully considered in determining how it might be used as a precedent.

District Meetings ✓

DISTRICT 10

"When that part of the world's history is written, for which you and I are responsible," declared Neville Miller,

Petrillo Hearing in January

Senator D. Worth Clark (D-Idaho), Chairman of the sub-committee of the Senate Interstate Commerce Committee, appointed to investigate the recording ban imposed by James C. Petrillo, AFM President, announced on Tuesday that January 12 has been set as the date for the beginning of the hearings.

With the 77th Congress tottering to a close on the first of the year and many Senators absent from Washington, Chairman Clark found it impossible to secure the attendance of a majority of his committee. He thought it unwise to start the hearings so shortly before the holidays, feeling he might be confronted with the necessity for carrying them over into the next congressional session.

President of the NAB, at the luncheon meeting on the second day of the Tenth District meeting at the Hotel Fort Des Moines in Des Moines, Iowa, "there will be many dark pages dealing with racial hatred, religious persecution, selfishness, murder and slavery."

"But there will be many bright pages, too," he added, "more bright pages, we hope, than we now believe possible. Those bright pages will deal with the deeds of heroes, of service, of sacrifice. Our ambition and our determination is that one of those bright pages will be entitled: 'The History of Radio.'"

Earlier in his address, Mr. Miller had pointed out that radio has a tremendous job in the war effort of the United States. "This country has yet to catch the spirit which is necessary for final victory," he emphasized. "Radio's job is to build that spirit—to hold and advance the home front."

"As the struggle reaches a climax, resources of all kinds are strained to the limit and the strain is not the least on the nerves and faith of a nation. It is not for the broadcasters," added Mr. Miller, "to initiate public policies or to try to usurp or direct the functions of government, but to be the medium of enlightened inspiration and faith; to stimulate every citizen to brush aside doubt, misgiving, fatigue and indifference; to banish rumors; to carry the torch of liberty; to keep bright the fire of patriotism."

Mr. Miller's talk was delivered before thirty-one invited guests of the broadcasters, government and industry representatives, who attended the two-day meeting at the Hotel Fort Des Moines on November 27 and 28, 1942. The guests at the luncheon on the second day included representatives of the principal civic and social organizations in Iowa. Director-at-Large J. O. Maland of WHO presided at the luncheon.

The two-day meeting was called to order at 1:00 p. m. on Friday, November 27, 1942, by District Director John J. Gillin of WOW. Among the speakers on the opening day of the meeting were: Neville Miller; Lt. Col. Herbert H. Glidden, Internal Security Division, Seventh Area Warning Center; Carl Haverlin, Headquarters Consultant, Radio Bureau, Office of War Information; Eugene Carr, Office of Censorship; John Nollen, Iowa State Chairman, War Bond Sales Committee; Major Howard O. Peterson, Chief, Radio Branch, Public Relations Bureau, Seventh Service Command and Lewis H. Avery, NAB Director of Advertising, who with John M. Outler, Jr., of WSB, presented the Retail Promotion Plan.

The meeting voted its confidence in Neville Miller and

unanimously adopted a resolution endorsing the NAB's A. F. of M. policy.

On the second day, the attendance was divided into two groups: the station managers attended the principal meeting, at which Brig. Gen. Charles H. Grahl, Director of Selective Service for Iowa, Howard Wertz, Director of Public Advice and Counsel, Seventh Defense Region and Lt. Dennis, Public Relations Office, Navy Department, spoke. Another meeting was presided over by Dietrich Dirks of KTRI in the absence of Sam H. Bennett of KMBC, District Chairman of the Sales Managers. At this meeting, Mr. Avery outlined some of the problems and opportunities which face broadcasters during the coming year:

Those in attendance at the Tenth District meeting included:

Anderson, Ed., WOW; Andrews, Larry, KICD; Avery, Lewis H. NAB.

Barnhart, L. D., KXEL; Beckman, Richard W., WOI; Bennett, Sam H., KMBC; Blink, Milton, Std. Radio; Bonduant, Hale, WHO; Born, L. W., KGLO; Breen, Edward, KVFD; Broxman, Pearl B., WSUI; Burke, Harry, WOW.

Carr, Eugene, Office of Censorship; Chizzini, Frank E., NBC; Conklin, Neil C., WOC; Cosby, Clarence G., KXOK; Crawford, Lois, KFGQ.

Dillon, Bob, KSO-KRNT; Dietrich, Dirks, KTRI, Du Mond, Joe, KXEL; Du Mond, Jack, KXEL.

Eighmer, F. C., KGLO; Enns, Ted, IBS; Evans, Ralph, WHO.

Fair, Harold, WHO; Falvey, Jack, KBIZ; Fitzgibbons, L. O., WOC; Flanagan, Wm. L., KSO-KRNT; Fulton, Harold W., WHO; Fitzer, Dean, WDAF.

Gaines, James M., NBC; Gillin, John J. Jr., WOW; Gedt, Gene, WHO; Gordon, K. S., KDTH; Griffin, Josephine, KFGQ.

Hagenah, Gaston M., SESAC; Haverlin, Carl, U. S. Treas.; Hoekstra, Jerry, KMOX; Hull, Dick, WOI; Hurlough, Bob, Assoc. Press.

Jones, Merle S., KMOX.

Kaney, A. W., NBC; Kauffmann, Harry J., WDAF; Keller, Robert S., AMP; Kerrigan, Jack, WHO; Ketera, Wm., WOW; Koerper, Karl, KMBC.

Lane, C. Howard, CBS; Langlois, "Cy," Langworth; Law, Glen B., KSO-KRNT; Lawrence, Craig, IBS; Linehan, Edmund, IBS; Lottridge, Buryl, WHO; Ludlam, George, O.C.D.

McDermott, G. B., KBUR.

Macon, Don, KMBC; Maher, Marie, KBON; Maland, Joe, WHO; May, Earl E., KMA; Meltzer, Martin, ASCAP; Menzer, Carl, WSUI; Miller, Neville, NAB; Mulready, Tem, Munkef, Soren, WOW.

Nolan, L. W., KICD.

Outler, John M. Jr., WSB.

Patterson, Gerald, KSO-KRNT; Plambeck, Herb, WHO; Poynor, D. J., WMBH.

Quarton, S. D., WMT; Quentin, C. F., WMT.

Rapp, J. C., KMA; Ripper, Glenn, KMMJ.

Sanders, Charles L., WSUI; Scheer, Thomas, WHO; Searle, Don., KOIL-KFAB-KFOR; Schilling, John T., WHB; Samuels, Frank Jr., KOIL-KFAB; Shopen, F. E., KOWH; Saddler, Owen, KMA; Sexton, Morgan, KROS; Steelman, Stuart, WHO.

Von Linder, L., WMT.

Wahlstedt, John, WHB; Weber, Otto, WHO; Weeds, Weedy, WHO; Wiseman, Wm., WOW.

The guests of the broadcasters at the luncheon on the second day included:

Mr. John B. Kimberley; Mr. V. G. Lindgren; Mrs. S. E. Lincoln, PTA; Prof. Alfred Severson, National Conference of Christians and Jews; Lieut. Truman Jones, U. S. Navy; Miss Ruth Green, American Red Cross; Y2 c Jules Hack, U. S. Coast Guard; Mr. H. Chenhall, Wages and Hours Division; Mr. D. W. Crum, U. S. Employment Service; Capt. Frank Miles, Selective Service; Lt. I. J. Mirkin, U. S. Army, Camp Dodge, Iowa; Mr. W. I. Griffith, WOI; Mrs. Ione Moorhead, "Variety"; Mr. Charles I. Madison, Community Chest; Mr. E. G. Barrett, Drake; Col. Arthur Wallace, Iowa State Guard; Miss Genevieve Clayton,

Camp Fire Girls; Mrs. Max Mayer, Jewish Community Center; Mrs. M. Myrton Skelley, American Legion Auxiliary; Miss Mercedes Lind, Iowa War Service, Nursing Council; Mr. J. S. Russell, AMA; Mr. Max W. Van Horn, VFW; Mr. Frank T. Dillon, YMCA; Mrs. Fred Weitz, Iowa Club Women; Mr. Forrest B. Spaulding, City Library; Hon. John McVicar, Mayor; Brigadier Enoch Hicks, Salvation Army; Mr. George Haskell, OPA, State Information Officer; Mr. N. Harold West, Boy Scouts; Mr. Addison Smith, Ruthrauf & Ryan; and Miss Scurlock, YWCA.

Leslie C. Johnson of WHBF was elected District Director at the conclusion of the two-day meeting of the Ninth District of NAB in the Palmer House, Chicago, Ill., on November 30 and December 1, 1942. Mr. Johnson's term of office begins with the end of the 1943 NAB Convention.

The meeting was called to order by District Director Edgar L. Bill of WMBD at 10:00 a. m. on Monday morning. Neville Miller, president of NAB, followed the opening remarks of District Director Bill with an outline of the war work of NAB. More than 85 broadcasters, government and industry representatives heard talks on the opening day by these delegates from various government agencies and departments, charged with the war effort:

Carl Haverlin, Headquarters Consultant, Radio Branch, OWI; Eugene Carr, Office of Censorship; Col. Irvin, and Major Earnest M. Culligan, Selective Service Administration; Eugene J. Brock and John Russell of the War Manpower Commission; Kenneth Carpenter, Treasury; Pete Peterson, Radio Branch, OWI; Lts. Holman Faust and Bruce Dennis, Public Relations Office, Navy; John N. W. Sloan, Regional Director, Office of Public Advice and Counsel, OCD; Harold Harvey, Director of Radio, Michigan Council of Defense; Miss Georgene O'Donnell, OCD; Lt. Col. Edward M. Kirby, Chief, Radio Branch, Army; Major Forster, British Embassy.

At luncheon on the opening day, John M. Outler, Jr., of WSB, Chairman of the Sales Managers Executive Committee, and Lewis H. Avery, of the Department of Broadcast Advertising, outlined the Retail Promotion Plan, with members of the Retail Promotion Committee present at the luncheon. Chairman Paul W. Morency called a meeting of the committee coincident with the Ninth District meeting to review the presentation of the plan and to study the effort to obtain subscriptions.

The first half of the meeting on the second morning was devoted to a discussion of the AFM-Petrillo problem by Neville Miller, with supporting talks by Milton Blink of Standard Radio and Cy Langlois of Lang-Worth. John Wooden of ASCAP and Bob Keller of AMP also spoke.

The latter part of the morning meeting was dedicated to a discussion of sales problems by James F. Kyler of WCLO, District Chairman of the Sales Managers Division and Mr. Avery of NAB. At the luncheon meeting on the second day, Mr. Avery discussed "Good Taste in Radio Advertising."

Resolutions unanimously endorsing the OWI plan, the NAB stand on the AFM-Petrillo situation, and the Retail Promotion Plan were adopted.

Those registered:

Ed. Ailen, WIBA; Lewis H. Avery, NAB; Frank M. Baker, WJWC; R. E. Bausman, WISH; Lawrence Bendiner, OCD; Edgar L. Bill, WMBD; John Blair (John Blair & Co.); Milton Blink, Standard Radio; Hugh K. Boice, Jr., WMBD; P. H. Booton, WZD; Walter J. Buxton, WBBM; Gene Cagle, KFJZ; Emmons C. Carlson, NBC-WMAQ; Eugene Carr, Off. of Censorship; Frank E. Chizzini, NBC; Marie E. Clifford, WHFC; William R. Cline, WJWC; Sheldon R. Coons, NAB; Maurice Corken, WHBF; Thomas R. Curran, United Press; Edgar C. Deffenbaugh, WSOY; Dietrich Dirks, KTRI; Frances J. Dixon, WENR; John A. Dyer, WAIT-WGES-WSEC; Leslie Edgley, WENR; Brad Eidmann, WAAF; Edwin G. Foreman, Jr. (The Foreman Co.), Major R. B. Forster, c/o British Embassy; James M. Gaines, NBC; S. D. Gregory, WEAJ; Gaston W. Grignon, WISN; K. K. Hackathorn, WHK;

Harold M. Harvey, Michigan Council of Defense; Carl Haverlin, BMI-OWI; Arthur Hull Hayes, CBS; William S. Hedges, NBC; Jules Herbueaux, NBC; Clair B. Hull, WDW; Bob Burleigh (Associated Press); W. E. Hutchinson, WAAF; C. Johnson, WHBF; Walter Johnson, WTIC; Paul H. Jordan (OWI); A. W. Kaney, NBC; Robert S. Keller, AMP; Lt. Col. E. M. Kirby; Harry C. Kopf, NBC; James F. Kyler, WCLO; C. Howard Lane, CBS; "Cy" Langlois (Lang-Worth); Harry R. LePoidevin, WRJN; Emilie U. Lepthien, WBEZ; Horace Lohnes; George A. Mann (OWI); C. L. McCarthy, KQW; Joseph A. McDonald, WMAQ; A. M. McGregor, WJBC; Vincent McMahon (Press Association); Chester Miller, WJWC; Neville Miller, NAB; Frank R. Mills, WDWS; Vernon Nolte, WMBD; Georgene O'Donnell, 6th Region OCD—Radio Director; Hugh O'Malley, WISN; John M. Outler, Jr., WSB; Robert Parsons, WMBI; S. J. Paul; Walter J. Preston, WBBM; Paul Ray (John Blair & Co.); Walter C. Schafer, WDW; Ray E. Schwartz, WOSH; Walter Schwimmer, Schwimmer & Scott; Alex Sherwood, Standard Radio; Jean Simpson, WBEZ; John Sloan, OCD; J. Kelly Smith, WBBM; Burt Squire, SESAC; James L. Stirton, WENR; Wallace Stone, Press Association, Inc.; Harry G. Templeton, WLS; Paul B. Upson, WTRC; J. L. Van Volkenburg, WBBM; Pierre Weis, Lang-Worth; John C. Wooden, ASCAP.

DISTRICT 8

"Despite the cry for more armaments and more men on the fields of battle, the greatest need is right here in the hearts of our people," declared the Hon. Henry F. Schricker, Governor of Indiana, in a talk at the luncheon meeting on the opening day of the two-day meeting of the Eighth District of NAB at the Columbia Club in Indianapolis, Ind., on December 2, 1942.

"Here," continued Governor Schricker, "radio serves with increasing distinction. But," he added, "a greater problem than ever will be presented when the war is over. Then you will have an opportunity to save the American people from themselves. When the war is over, the great time for disturbers will arrive. Then the real challenge will come. Then our enemies will try to develop dissention and suspicion among the United Nations for their own ends."

"We, as Americans, must solve our own problems," concluded Governor Schricker, and, referring to radio, "I don't know of any other agency that will have a greater opportunity to serve Americans in those trying days."

The meeting of the Eighth District of NAB was called to order by District Director John E. Fetzer of WKZO at 10:00 a. m. on December 2, 1942, in the Columbia Club. More than fifty broadcasters, government and industry representatives attended the two-day conference.

The opening day speakers included: Director Fetzer; Neville Miller, President of NAB, who outlined the war work of NAB; Carl Haverlin, Headquarters Consultant, Radio Branch, Office of War Information; Gene Pulliam of WIRE, Treasury; Ben Darrow, Regional Director, Office of Civilian Defense; Lieut. Holman Faust, Public Relations Office, Navy; Lieut. Morton, Public Relations Office, WAAC; Eugene Carr, Office of Censorship; Major R. P. Foster, British Embassy; Col. Hitchcock, Director of Selective Service for Indiana; J. Bradley Haight, United States Employment Service.

At the conclusion of the first day's sessions President Miller outlined the NAB stand on the AFM-Petrillo problem, but the meeting was adjourned before the subject was completely explored. This discussion was continued at luncheon on the second day, following the meeting of the Sales Managers Division.

The second day's sessions were presided over by Steve Conley of WOWO as District Chairman of the Sales Managers Division. After his opening remarks, Lewis H. Avery lead the discussion of current sales problems.

The featured speaker on the second day was Miss Helen Kennedy of the Kroger Grocery and Baking Company, who outlined the long-time experience of this chain store with broadcast advertising. In the course of her talk, Miss Kennedy pointed out that the familiar serial story had proved the first successful radio vehicle for this well known advertiser. Her able defense of the daytime drama was based on both listener surveys and sales.

Following the talk by Miss Kennedy, John M. Outler, Jr., of WSB, Chairman of the Sales Managers Executive Committee, and Mr. Avery presented the retail promotion plan.

At the regular weekly luncheon of the Indianapolis Advertising Club on Thursday, Dec. 3, 1942, Mr. Avery discussed "This Thing Called Radio."

Following luncheon on the second day, the broadcasters unanimously passed resolutions endorsing the OWI plan, the NAB stand on AFM-Petrillo and the retail promotion plan.

DISTRICT 17

Additional attendance at the District 17 meeting:

Warren E. Stoffer, KWIL; Hal Byer, KWIL; Frank L. Hill, KORE; L. W. Trommlitz, KORE; Ralph E. Smith, KUIN; Lawrence L. King, KUIN; Ben E. Stone, KOOS-KLBN; Charles E. Couche, KOIN; J. F. Hiddleston, KIRO; Birt F. Fisher, KOMO-KJR; Sidney Lerman, KVAN; Florence Clements, Office of War Information; Betty Stevens, Victory Center.

PRESIDENT'S WAR DECLARATION ADDRESS

NAB has been advised by Stephen Early, Secretary to the President, that stations are at liberty to re-broadcast the transcribed address of the President made on December 7, 1941, calling for a declaration of war, in connection with any "Pearl Harbor Day" programs.

MILEAGE RATIONING

OPA last Friday released these questions and answers to clear up certain points motorists and other gasoline users have been raising on mileage rationing, which went into effect nation-wide at 12:01 Tuesday, December 1.

1. Q. I was unable to apply for my "A" ration book at the school house registration held in my city last week. How can I get my basic ration?
 - A. By applying to your local War Price and Rationing Board, but since local boards will be very busy acting on applications for transport and non-highway rations, they will not be able to receive your application for a basic "A" until December 3, unless you have good reason for consideration before that time.
2. Q. I live in an eastern town where no schoolhouse registration took place in connection with the new mileage program. How do I register my tires?
 - A. By obtaining an application form from a service station or other place designated by your local War Price and Rationing Board, filling the form out and sending it to the Board.
3. Q. How soon must I do this?
 - A. As soon as possible. In any event soon enough for the board to return to you by December 12 a Tire Inspection Record.
4. Q. Why December 12?
 - A. Because beginning the following day, on December 13, it will be illegal to operate your car without the Tire Inspection Record, which is evidence that you have registered your tires and also disposed of any tires over five you may have for the car.
5. Q. How long do I have to dispose of my excess tires?
 - A. Until December 1.

6. Q. I got my Tire Inspection Record; now what do I do with it?
 A. Keep it with your car as evidence that you have registered your tires, and whenever you have your tires inspected, the inspector will initial the record to show that the inspection has been made.
7. Q. How soon must the first inspection be made?
 A. By January 31.
8. Q. At the schoolhouse registration I got my "A" book, but this will not give me enough mileage. Can I get more?
 A. Yes, for occupational driving if you can prove need. If the schoolhouse registrar did not give you an application form for a supplemental ration, you may get one from your local rationing board. The application, when filled out, is to be submitted to the board.
9. Q. I have already applied for a supplemental ration but have not received it. If it is not issued before December 1 what should I do for the gasoline I will need to carry on my work?
 A. Your "A" book should provide you with sufficient mileage until your supplemental application is acted upon.
10. Q. I formed a car-sharing club. Still my rationing board turned down my application for a "B" book. Is this right?
 A. Thousands of car-sharers are operating on "A" books alone. In order to get additional gasoline, you must prove need for more mileage than the "A" will give you, as well as meet car-sharing requirements.
11. Q. My dealer says he will not accept any coupons from me until I write some identification on the back. Is this an OPA requirement?
 A. Yes.
12. Q. What identification is required?
 A. This varies with types of coupons. All "A", "B", "C" and "D" coupons must have the car license number and state of registration written in ink on the back. Passenger Fleet operators using interchangeable coupon books must write or stamp the fleet name. "T" coupons must be endorsed on the back with the War Certificate number or the fleet name. "E" and "R" coupons must have the name and address of the user written on the back.
13. Q. Does this mean that I must write my license number and state on the back of every one of my "A" coupons?
 A. Yes, in ink.
14. Q. What is the purpose of this requirement?
 A. It will help insure against misuse of your coupon book in case it is lost or stolen. It will also provide OPA with a valuable means of tracking down thieves and "black market" operators.
15. Q. I applied for a Certificate of War Necessity for my farm truck, but have not yet received it. I am told that I can not get a ration of gasoline, without this certificate. Will I be forced to lay up my truck if my certificate does not arrive before December 1?
 A. No. Your local War Price and Rationing Board is authorized to issue a temporary Transport ration in such a case.
16. Q. I have heard that to save my tires, I ought to drive under 35 miles an hour. Is this a "must"?
 A. Yes. Your local War Price and Rationing Board may suspend or revoke your ration book if you exceed this speed.

PUBLIC IS BEING EDUCATED TO CARRY SETS

During the last two days, the following stations have reported participation in the plan of educating the public to bring their ailing radio sets to the radio repairman during wartime.

This kind of an educational campaign helps stations

render service. To be effective, radio programs must reach people. We can't get away from that.

Every radio station in the country should carry a spot-a-day on a revolving schedule.

KABR—Aberdeen, S. D.
 WBAB—Atlantic City, N. J.
 WBZ-WBZA—Boston & Springfield, Mass.
 WLIB—Brooklyn, N. Y.
 WGR—Buffalo, N. Y.
 WCAX—Burlington, Vt.
 WCHS—Charleston, W. Va.
 WIS—Columbia, S. C.
 WDNC—Durham, N. C.
 WTRC—Elkhart, Ind.
 WGBB—Freeport, N. Y.
 WJEJ—Hagerstown, Md.
 WJOB—Hammond, Ind.
 WLAK—Lakeland, Fla.
 KGH1—Little Rock, Ark.
 WMAN—Mansfield, Ohio
 WLBC—Muncie, Ind.
 WSM—Nashville, Tenn.
 WJZ—New York City
 *KLX—Oakland, Calif.
 WOW—Omaha, Neb.
 WPID—Petersburg, Va.
 WCAU—Philadelphia, Pa.
 WRJN—Racine, Wis.
 WDBJ—Roanoke, Va.
 WWSR—St. Albans, Vt.
 WSAV—Savannah, Ga.
 WARM—Scranton, Pa.
 WRLC—Toccoa, Ga.
 WOL—Washington, D. C.
 WOCB—West Yarmouth, Mass.
 WBAX—Wilkes-Barre, Pa.

* Reported last week.

WPB COMPLETES TUBE PLANS

Listed below is the TENTATIVE LIST of residential radio receiver tubes whose manufacture during 1943 WPB is expected soon to authorize.

The list should prove of interest to your local radio trade because the members have not yet been apprised of the types to be produced.

A discussion meeting in Washington, December 7, may be expected to produce only slight changes in the list.

Tentative Tube Types for 1943 Production

OZ4	6B8GT	7A8	35L6GT/G
1A5GT/G	6C5GT/G	7B5	35Z3
1A7GT/G	6C8G	7B7	35Z5GT/G
1C5GT/G	6E5	7C5	36
1H5GT/G	6F5GT/G	7C6	37
1LA4	6F6GT/G	7C7	38
1LB4	6F8G	7F7	39
1LC6	6H6GT/G	7H7	41
1LD5	6J5GT/G	7J7	42
1LE3	6J7GT/G	7N7	43
1LH4	6K5GT	7V7	45
1LN5	6K6GT/G	7Y4	47
1N5GT/G	6K7GT/G	12A8GT	50L6GT/G
1P5GT/G	6K8GT/G	12J5GT/G	50Y6GT/G
1Q5GT/G	6L6G	12K7GT/G	56
1T5GT/G	6L7GT	12Q7GT/G	57
1V	6N7GT/G	12SA7GT/G	58
2A3	6Q7GT/G	12SJ7GT/G	70L7GT
2A5	6R7GT/G	12SK7GT/G	71A
3Q5GT/G	6SA7GT/G	12SQ7GT/G	75
5U4G	6SC7GT	14A7/1237	76
5V4G	6SD7GT	24A	77
5X4G	6SJ7GT/G	25L6GT/G	78
5Y3GT/G	6SK7GT/G	25Z5	80
5Y4GT/G	6SQ7GT/G	25Z6GT/G	83
5Z3	6U5/6G5	26	84/6Z4
6A7	6V6GT/G	27	117L7/M7GT
6A8GT/G	6X5GT/G	30	117Z6GT/G
6B7	7A4	35	XXL
	7A6	35A5	

GRADUATES OF RADIO COURSE TO WJTN

A number of broadcast stations are now enjoying the benefits of their cooperation in the promotion of Radio Technician Training Courses.

That they have the inherent qualities demanded of the situation is attested by information from Simon Goldman, manager, WJTN, Jamestown, N. Y.

At the present time, WJTN has a fulltime employee who graduated from the ESMWT-NAB course this summer and who followed it up to become a first-class radiotelephone operator. The station also has a second employee on a parttime basis who is a graduate of the course.

In addition Mr. Goldman is contemplating the employment of another student—a graduate of the course—from a nearby city.

"To sum the matter up," said Mr. Goldman, "there is no question but that these courses are filling a great need, not only in the armed forces, but also at radio stations. . . ."

What Is Your Experience?

Are you employing any graduates of these courses? If you are, will you be good enough to so state to NAB and include details covering the situation with your letter.

More of the Fundamentals of Radio courses are being organized and a great many are in operation with students in training well into five figures.

All requests for such training classes originate in the field. If there is not a class in progress in your area, it is suggested that you contact the nearest engineering school. See the ESMWT Institutional Director or the Dean of Engineering. If classes are in progress, it is suggested that you investigate the personnel. Probably there are some students who would like to enter broadcasting through your station.

SUGGESTION FOR STATIONS

Former broadcaster, Jack Hanssen, now undergoing training as an officers candidate in a large middle west camp, reports that the men in his camp "don't know what's on the air or where to find the station."

"Seems to me," he wrote, "that radio stations would be rendering a real service at little cost if they would send copies of their weekly schedules to the camps in the territory they serve."

"Here at — every division has a radio in its day room and I know the boys in our particular division would like to know when and where to listen."

WAR BRINGS CHANGES TO WHEB

Another WHEB announcer, Edwin Lilja, has gone to the war. Prior to Lilja's departure, the Portsmouth, N. H., station lost Program Director Gordon Kinney to the Office of War Information. Production Manager Bill Bradley left a few months ago, and is now in the Signal Corps.

New additions include Paul Lindsay, formerly of WCAX, Burlington, Vt., as Chief Engineer; Fred Lines, operator, new to radio, from Kittery, Maine; Ed Duffy, salesman; Carl Reed, former WLW dramatic producer, as news commentator; and Ted Bodge, part-time announcer.

WBT TOWER DAMAGED

Columbia's station in Charlotte, North Carolina, lost the top section of the antenna tower during high winds on the night of December 1.

According to reports, approximately 150 feet were destroyed. Excellent work by the station's engineers

returned the WBT transmitter to the air about two hours after the accident occurred. Chief Engineer J. J. Beloungy, in New Orleans at the time, made a hasty air trip and aided by tail winds returned to Charlotte in four hours.

RADIO EDUCATION

Radio Station WMT, Cedar Rapids, Iowa, is cooperating to the fullest extent with the Board of Education of that city to help keep American education before the public.

Children of all ages, from kindergarten through the twelfth grade, have the opportunity to broadcast since there are three "shows" per week which are presented by the schools.

There is a "Pupil Discussion" on Friday afternoons where current events are discussed by a group of high school girls and boys.

Two more programs are scheduled for each Saturday afternoon. "School Newscast," a program edited by the classes in journalism, "airs" the outstanding events in the schools of eastern Iowa. Approximately one hundred schools actively participate in this project by appointing reporters who send in news each week to the School Newscast office in Cedar Rapids, Iowa. One hundred thirty-five high school reporters were guests of WMT at the close of school last spring. They were entertained at a theater party, banquet, and special broadcast. The enthusiasm of these boys and girls encouraged the radio station and the Board of Education to continue "School Newscast." This is a ten-minute program.

"The Assembly Room of the Air" is beginning its fifth year of broadcasting. Here in a twenty-minute program, outstanding projects which are being developed in the schools are presented in a unique manner. High school symphonic orchestras play; a capella choirs sing; dramas from high schools and elementary grades also have a place on this broadcast. Each show is complete with its own pupil master of ceremonies. If the kindergarten children are performing, our announcer is a brave five-year-old; if high school people are putting on the show, a boy or girl from that age level presides. The Assembly Room of the Air is informal, natural, yet filled with the vitality of youth. This is an experience of unlimited educational value.

Charles McKinley Saltzman

The FCC this week passed the following resolution on the death of Major General Charles McKinley Saltzman, a former chairman of the Commission:

WHEREAS, The honorable career of General Saltzman as an industrious public servant and an ardent developer of American communications has been brought to a close by his death, be it therefore resolved:

That the Federal Communications Commission hereby enrolls this memorial in the permanent records of the Commission:

"In memory of Major General Charles McKinley Saltzman, U. S. Army, Retired, who leaves behind him at his death on November 25, 1942, an outstanding record of service to his country. As Chief Signal Officer of the Army from 1924-28 and as a member of the Federal Radio Commission from 1929-32, serving as its Chairman from 1930-32, he guided policies beneficial to American communications. This memorial is enscribed by his successors in communications regulation in recognition of his earlier contributions."

Treasury Salary Regulations

TITLE 29 — LABOR

CHAPTER VIII—COMMISSIONER OF INTERNAL REVENUE

PART 1002—STABILIZATION OF SALARIES

TREASURY DEPARTMENT,

Office of Commissioner of Internal Revenue,
Washington, D. C.

TO COLLECTORS OF INTERNAL REVENUE AND OTHERS CONCERNED:

On October 27, 1942, the President approved regulations relating to wages and salaries prescribed by the Economic Stabilization Director (7 F. R. 8748) under the Act of October 2, 1942, entitled "AN ACT to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public No. 729, 77th Congress, 2d Session) and Executive Order No. 9250, dated October 3, 1942 (7 F. R. 7871). Those regulations conferred on the Commissioner of Internal Revenue authority to administer the provisions thereof relating to the stabilization and limitation of certain salaries. In the exercise of the authority so conferred on the Commissioner of Internal Revenue, the following regulations relating to salaries are hereby promulgated.

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AUTHORITY: Secs. 1002.1 to 1002.34, inclusive, issued under Pub. Law 729, 77th Cong., 2d Sess.; E.O. 9250, 7 F.R. 7871; Regs. of Economic Stabilization Director, dated October 27, 1942, 7 F.R. 8748.

SUBPART A.—DEFINITIONS

Sec. 1002.1. *General terms.*—When used in these regulations, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(a) The term "Act" means the Act of October 2, 1942, (Public No. 729, 77th Congress) entitled "AN ACT to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes."

(b) The term "Board" means the National War Labor Board created by Executive Order No. 9017, dated January 12, 1942 (7 F.R. 237).

(c) The term "Commissioner" means the Commissioner of Internal Revenue.

(d) The term "Code" means the Internal Revenue Code, as amended and supplemented.

(e) The term "person" has the same meaning as when used in the Code.

(f) The term "General Regulations" means regulations (relating to wages and salaries) issued by the Economic Stabilization Director, approved by the President on October 27, 1942 (7 F.R. 8748), and as amended or supplemented by subsequent regulations issued by the Economic Stabilization Director relating to wages and salaries.

(g) The term "in contravention of the Act" means in contravention of the Act of October 2, 1942 (referred to in paragraph (a) above), Executive Order No. 9250 of October 3, 1942 (7 F.R. 7871), the General Regulations, these regulations and other rulings and regulations promulgated under such Act.

Sec. 1002.2. *Employee and Employer.*—An employee, for the purposes of these regulations, is an individual who performs services for compensation where the relationship between him and the person for whom he performs the services is the legal relationship of employee and employer. An employer is any person for whom an individual performs any services, of whatever nature, as the employee of such person. The term "employer" is not limited to private persons engaged in trade or business, but includes organizations which, under section 101 of the Code, are exempt from income taxation, and also government departments and agencies. The existence of the legal relationship of employer and employee is to be ascertained in the light of the general purposes of the Act and the General Regulations.

Generally, the legal relationship of employer and employee exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work done, but also as to the details and means by which that result is accomplished. An employee is generally subject to the will and control of the employer not only as to what shall be done but

how it shall be done. In this connection it is unnecessary that the employer actually direct or control the precise manner in which the services are performed; it is sufficient that he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer.

Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not an employee as to such services. Physicians, lawyers, architects, contractors and others who follow an independent trade, business or profession in which they offer their services to the public are generally independent contractors and not employees. Whether the relationship of employer-employee exists will be determined upon an examination of the particular facts of each case.

If the relationship of employer and employee exists the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. If such relationship exists, it is of no consequence that the employee is designated as a partner, co-adventurer, agent or independent contractor. The measurement, method, or designation of compensation is immaterial if the relationship of employer and employee thus in fact exists.

An officer of a corporation is an employee of the corporation but a director as such is not. A director may be an employee of the corporation, however, if he performs services for the corporation other than those required by attendance at and participation in meetings of the board of directors.

Sec. 1002.3 *Executive employees.*—An individual “employed in a bona fide executive capacity” means any employee—

(a) whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or sub-division thereof, and

(b) who customarily and regularly directs the work of other employees, and

(c) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any change of status of other employees will be given particular weight, and

(d) who customarily and regularly exercises discretionary powers, and

(e) who is compensated for his services on a salary basis at not less than \$30 per week (exclusive of board, lodging, or other facilities), and

(f) whose hours of work of the same nature as that performed by employees not employed in an executive, administrative or professional capacity do not exceed 20 per cent of the total number of hours worked in the workweek by the employees under his direction; provided that this subsection (f) shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment.

Sec. 1002.4. *Administrative employees.*—An individual “employed in a bona fide administrative capacity” means any employee—

(a) who is compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities), and

(b) (1) who regularly and directly assists an employee in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the exercise of discretion and independent judgment; or

(2) who performs under only general supervision, responsible nonmanual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment, or

(3) whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment; or

(4) who is engaged in transporting goods or passengers for hire and who performs, under only general supervision, responsible outside work of a specialized or technical nature requiring special training, experience, or knowledge, and whose duties require the exercise of discretion and independent judgment.

Sec. 1002.5. *Professional employees.*—Any individual “employed in a bona fide professional capacity” means any employee who is—

(a) engaged in work

(1) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, and

(2) requiring the consistent exercise of discretion and judgment in its performance, and

(3) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and

(4) whose hours of work of the same nature as that performed by employees not employed in an executive, administrative or professional capacity do not exceed 20 percent of the hours worked in the workweek by such employees; provided that where such non-professional work is an essential part of and necessarily incident to work of a professional nature, this subsection (4) shall not apply, and

(5) (A) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes; or

(B) predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination, or talent of the employee, and

(b) compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities); provided that this subsection (b) shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof.

Sec. 1002.6. *Salary payments.*—The terms “salary” and “salary payment” mean only such salaries over which the Commissioner has jurisdiction. (See section 1002.10 of these regulations.) These terms are not used in any restricted, narrow or technical sense, but encompass all forms of direct or indirect compensation for personal services of an employee which is computed on a weekly, monthly, annual or other basis, other than wages (as defined in the General Regulations and in orders or rulings of the Board). Bonuses, gifts, loans, commissions, fees, additional compensation and any other remuneration in any form or medium whatsoever are considered as falling within the concept of “salary” or “salary payment.” Any compensation which is not regarded as wages in the commonly accepted sense of the term is salary notwithstanding that it may be computed on an hourly, daily or piece-work basis.

Retainer fees paid to an individual, not otherwise an employee, are not to be considered as salary. Insurance

and pension benefits in a reasonable amount (see section 1002.8) are likewise excluded from the terms "salary" and "salary payment."

Although the terms "salary" and "salary payment" do not include any compensation other than for personal services of an employee, the Commissioner is not precluded from determining, after investigation, that amounts denominated, for example, as rents or royalties are in fact salary payments subject to the controls set forth in these regulations.

All amounts paid to, authorized to be paid to, or accrued to the account of any employee during a calendar year for services rendered or to be rendered are to be included as salary for such year.

Sec. 1002.7. Salary rate.—The term "salary rate" means the rate or aggregate of rates or other basis at which the salary for any particular work or service is computed, either under the terms of a contract or agreement, express or implied, or in conformity with custom or usage existing in the employer's business establishment. For treatment of commissions and bonuses on a percentage basis see section 1002.14.

Sec. 1002.8. Insurance and pension benefits.—Compensation may include insurance and pension benefits. In determining the amount of salary of an employee, the insurance or pension benefit inuring to such employee is not measured by what he will be entitled to receive after the happening of certain contingencies, but rather in terms of the amount of contributions or premiums paid by the employer. To the extent that an insurance and pension benefit inuring to an employee is reasonable in amount, such benefit is not considered as salary as defined in section 1002.6.

Section 165(a) of the Code sets forth the conditions under which a trust forming part of a stock bonus, pension or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall not be taxable for Federal income tax purposes. Contributions by an employer to an employees' trust or under an annuity plan, which trust or plan meets the exemption requirements of such section 165(a) (as of the date the contributions are made), shall be considered as reasonable, regardless of the amount of such contributions. On the other hand, contributions by an employer to an employees' trust which is subject to Federal income taxation because it does not meet the requirements of such section 165(a) shall be treated, for purposes of these regulations, as salary.

To the extent amounts paid by an employer on account of insurance premiums on a policy on the life of an employee are deductible by the employer in computing net income under the conditions set forth in section 23(a) of the Code (relating to deductions for ordinary and necessary business expenses), such amounts are not considered as salary. The amount of insurance premiums that will be considered as falling outside the concept of salary cannot exceed the amount of such premiums deductible by the employer for Federal income tax purposes. If, however, such insurance premiums are includible in the gross income of the employee (for whose benefit the insurance has been taken out), as well as deductible by the employer, the amount which shall not be considered as salary in respect of such employee may not exceed 5 percent of the employee's annual salary determined without the inclusion of insurance and pension benefits.

The application of the preceding paragraph may be illustrated by the following examples. An employer having 20 salaried employees takes out life insurance policies on each of such employees in favor of beneficiaries designated by them. The premiums paid for 10 of the employees are in each instance 7 per cent of the employee's annual salary (exclusive of insurance and pension benefits). As to the remaining 10 employees the premiums in each instance are 5 percent of the employee's annual salary (exclusive of insurance and pension benefits). It is assumed that with respect to each employee the premium paid would be includible in his gross income under the Code and would be deductible by the employer under section 23(a) of the Code. As to the first 10 employees 2 percent

of the premiums in each instance will be considered as salary, whereas no part of the premiums will be considered as salary in the case of the second group of employees. If, however, none of the premiums were deductible in computing the net income of the employer, then the entire amount of the premium in each instance would be considered as salary to the employee involved.

Premiums paid by an employer on policies of group life insurance without cash surrender value covering the lives of his employees, or on policies of group health or accident insurance, the beneficiaries of which are designated by such employees do not constitute salary (regardless of the amount of salary otherwise received annually by such employees) if such premiums are deductible by the employer under section 23(a) of the Code.

Sec. 1002.9. Approval by Commissioner.—Wherever the terms "approval by the Commissioner" and "determination by the Commissioner" are used in these regulations they shall, except as otherwise provided, include an approval or determination by a regional officer of the Salary Stabilization Unit established by the Commissioner under Treasury Decision 5176, which officer is authorized to make such determination. If an approval or determination made by such regional officer is subsequently modified or reversed by the Commissioner, such approval or determination shall be deemed to have been continuously in effect from its original date until the first day of the payroll period following reversal or modification, or until such later date as the Commissioner may provide in his ruling.

To illustrate, an employer obtains the approval of a regional officer of the Salary Stabilization Unit that a proposed increase in certain salaries is permissible. The approval is given on January 2, 1943, and the salary increase is to become effective January 15, 1943. On March 15, 1943, the Commissioner determines that the salary increase was not proper and reverses the approval given by the regional officer. The Commissioner provides in his ruling that the increase in salary shall be discontinued after March 31, 1943. For purposes of these regulations, no part of the salary for the period between January 15 and March 31 shall be considered to have been in contravention of the Act.

SUBPART B.—JURISDICTION OF COMMISSIONER

Sec. 1002.10. Amount of Salary Payment.—The General Regulations provide that the Commissioner shall have authority to determine, under regulations to be prescribed by the Commissioner with the approval of the Secretary of the Treasury, whether salary payments are made in contravention of the Act. The Commissioner's jurisdiction is confined to—

(1) salary payments in excess of \$5,000 per annum, in the case of individuals employed in any capacity whatsoever; and

(2) salary payments of \$5,000 or less per annum, in the case of individuals (i) who are employed in bona fide executive, administrative or professional capacities, and (ii) who, in their relations with their employer, are not represented by duly recognized or certified labor organizations, and (iii) whose services are not within the meaning of "agricultural labor" as defined in paragraph (1) of section 4001.1 of the General Regulations.

Other salary payments are subject either to the jurisdiction of the Board or the Secretary of Agriculture, as prescribed in the General Regulations. If, for example, a salary is to be increased from \$4500 per annum to \$5200 per annum (and subdivision (2) is inapplicable), approval of such increase, if required, must be obtained from the Board.

Sec. 1002.11. Conclusiveness of Determination.—(a) Any determination by the Commissioner that a salary payment is in contravention of the Act is conclusive in every respect upon all executive departments and agencies of the Federal Government for the following purposes—

(1) determining costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the

Emergency Price Control Act of 1942, or any maximum price regulation thereunder;

(2) calculating deductions under the revenue laws of the United States; or

(3) determining costs or expenses under any contract made by or on behalf of the United States.

(b) Any such determination of the Commissioner is final and not subject to review by The Tax Court of the United States or by any court in any civil proceedings. Nothing herein is intended, however, to deny the right of any employer or employee to contest in The Tax Court of the United States or in any court of competent jurisdiction the validity of—

(1) any provision of these regulations, on the ground such provision is not authorized by law, or

(2) any action taken or determination made under these regulations, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

(c) No increase in salary rate shall result in any substantial increase of the level of costs or furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

Sec. 1002.12. *Geographical Scope.*—The provisions of these regulations shall not apply to salaries in any Territory or possession of the United States, except Alaska and Hawaii.

SUBPART C.—SALARY INCREASES

Sec. 1002.13. *Commissioner's approval required.*—Section 1 of the Act provides in effect that salaries, so far as practicable, shall be stabilized at the levels which existed on September 15, 1942. In the case of a salary rate of \$5,000 or less per annum existing on October 27, 1942, or established thereafter in compliance with these regulations, and in the case of a salary rate of more than \$5,000 per annum existing on October 3, 1942, or established thereafter in compliance with these regulations, no increase shall be made by the employer, except as provided in section 1002.14, without prior approval of such increase by the Commissioner. Any salary increase made before the required approval of the Commissioner is obtained is from the date of such increase in contravention of the Act. (See sections 1002.28 and 1002.29 for the consequences of a salary payment made in contravention of the Act.) The Commissioner may, however, approve an increase in salary rate to be effective as of the date of the application for approval.

The burden of justifying an increase in salary rate shall in every instance be upon the employer seeking to make such increase. Increases in salary rates will not be approved unless necessary to correct maladjustments or inequalities, or to aid in the effective prosecution of the war. A promise made by an employer to his employees prior to October 3, 1942 that salaries would be increased in the future is generally to be ignored in determining whether an increase after that date should be approved. The same rule is applicable with respect to a promise made by an employer prior to October 27, 1942, in the case of employees whose salary rates are \$5,000 or less per annum. A salary increase, however, may be approved, as to salaries below \$5,000 per annum, if to deny such increase would be to force the continuation of a salary which is below the general level existing for the same or comparable work in the local area on September 15, 1942.

An employer who has established a new job classification, or who has begun business, after October 3, 1942, must obtain approval of the Commissioner for the payment of salaries for such job classification or in such new business; provided, however, that if the salary rates in question are not in excess of those prevailing for similar job classifications within the local area, the approval of the Commissioner is not required. An increase in a salary rate for a job classification established after October 3, 1942, shall be subject to the limitations provided in this Subpart.

A mere change in the name, organization, or financial structure of an employer, whether such employer be an individual, partnership or corporation, will not in itself be sufficient for a finding that, for the purposes of these regulations, a new business has been begun or new job classification established after such change.

Any change in a salary rate, regardless of its effective date, which results from an award or decision of an arbitrator or referee made after October 3, 1942, in the case of salaries of more than \$5,000 per annum, and after October 27, 1942, in the case of salaries of \$5,000 or less per annum, is subject to the provisions of these regulations notwithstanding that the agreement or order for arbitration or reference was made on or before October 3, 1942 or October 27, 1942, as the case may be.

Unless otherwise expressly exempted, any change in a salary rate, provided for in any agreement existing as of October 3, 1942 in the case of salaries of more than \$5,000 per annum, or as of October 27, 1942 in the case of salaries of \$5,000 or less per annum, which is to take effect at some future date or on the happening of some future event, is subject to the provisions of these regulations regardless of when the agreement was made.

Payment for overtime will constitute an increase in salary rate, and thus will require the approval of the Commissioner, unless the customary practice of the employer has been to pay for overtime, and the rate has not been changed.

Except as may be otherwise provided from time to time by the Commissioner, an application for the approval of a salary increase shall be filed by the employer with the regional office of the Salary Stabilization Unit of the Bureau of Internal Revenue in whose territorial jurisdiction the main office or principal place of business of the employer is located. Such application shall be filed on forms prescribed by the Commissioner and shall contain such information as may be required by the Commissioner.

Sec. 1002.14. *Commissioner's approval not required.*—The Commissioner's approval is not required where an increase in salary rate is made in accordance with the terms of a salary agreement or salary rate schedule in effect on October 3, 1942, or approved thereafter by the Commissioner, and is a result of—

- (1) individual promotions or reclassifications,
- (2) individual merit increases within established salary rate ranges,
- (3) operation of an established plan of salary increases based on length of service,
- (4) increased productivity under incentive plans,
- (5) operation of a trainee system, or
- (6) such other reasons or circumstances as may be prescribed in rulings or regulations promulgated by the Commissioner from time to time.

For purposes of this section, the term "salary agreement" or "salary rate schedule" may include a salary policy in effect on October 3, 1942, even though not evidenced by written contracts or written rate schedules. For example, a salary policy may be determined from previous payroll records or other payroll data. The existence of such policy, however, must be established to the satisfaction of the Commissioner, and the burden of proof rests upon the employer. In such cases, the employer in advance of making an increased salary rate may reduce the salary policy to writing and secure approval thereof by the Commissioner.

A bonus or other form of additional compensation which does not exceed in amount the bonus or other additional compensation to such employee for the last bonus year ending before October 3, 1942 does not require approval by the Commissioner. In addition a bonus based upon a fixed percentage of salary where the percentage has not been changed, does not require approval by the Commissioner even though the amount may be increased due to an authorized increase in salary. Any other bonus or other form of additional compensation, requires approval by the Commissioner. Where the compensation, or part thereof, is paid on a commission basis and is based upon a fixed percentage (which has not been changed) of sales made by the employee, a payment does not require approval by the Commissioner even though the amount may represent an

increase due to increased sales by the employee. See, however, Subpart F of these regulations.

The provisions of this section may be illustrated as follows:

(1) The X Corporation began business in 1940. As of July 1, 1942, pursuant to a corporate resolution duly passed in January 1942, all of its salaried employees received more than \$5,000 per annum. No approval of the Commissioner is required to increase the salary of an employee who is promoted in November 1942 from a salesman to general manager and who receives a salary within the salary range paid previously to individuals occupying the position of general manager.

(2) The X Corporation in December 1942 wishes to establish a new salary rate schedule raising the level of compensation of all its salaried employees. Approval by the Commissioner of such schedule is required. Assuming that such approval has been obtained, further approval by the Commissioner of any adjustment under such schedule coming within this section is not required.

(3) The Y Corporation begins business on November 1, 1942. The salaries paid by it to its employees are commensurate with salaries paid by other employers in comparable businesses in the same local area. Payment of such salaries does not require the approval of the Commissioner. Any increase in salary rates, however, requires the approval of the Commissioner.

(4) The M Corporation, which has manufactured furniture since 1925, is reorganized in November 1942 and emerges from the reorganization proceedings as the N Corporation. There is no change in the nature of the business although there is a substantial alteration in the financial structure of the company. The N Corporation is not to be treated as a new employer beginning business after October 27, 1942. Consequently, any general increase in salaries over and above those paid by the M Corporation requires the prior approval of the Commissioner.

(5) Employees of the Z Corporation have customarily received a bonus of 5 percent of their annual salary at the end of each calendar year. If, for example, one of the employees received \$6,000 in 1941 but received salary of \$7,000 in 1942 due to a salary increase on July 1, 1942, a bonus of \$350 may be paid to him for 1942 without prior approval of the Commissioner, notwithstanding that his bonus for 1941 was only \$300.

SUBPART D—SALARY DECREASES

Sec. 1002.15. *Salaries under \$5,000*—In the case of a salary rate existing as of the close of October 3, 1942, or established thereafter in compliance with these regulations, under which an employee is paid a salary of less than \$5,000 per annum for any particular work, the general rule is that no decrease can be made by the employer in such salary rate below the highest salary rate paid for such work in the local area between January 1, 1942 and September 15, 1942. A decrease is permitted, however, with the approval of the Commissioner, in order to correct a gross inequity in any case or to aid in the effective prosecution of the war. Where such decrease is permitted the salary rate may be reduced below the highest salary rate paid for the work in question between January 1, 1942 and September 15, 1942. Except as otherwise provided in this section, any decrease in such salary rate after October 3, 1942 shall be considered in contravention of the Act if it is made prior to the approval thereof by the Commissioner.

Except as may be otherwise provided from time to time by the Commissioner, an application for approval of any salary decrease shall be filed in the same manner as in the case of an application for approval of a salary increase. See section 1002.13 of these regulations.

The Commissioner's approval is not required, for example, in the following cases where salary decreases are made after October 3, 1942:

(1) The new salary rate does not fall below the highest salary rate existing between January 1, 1942 and September 15, 1942 for the particular work in question or for the same or comparable work in the local area.

(2) An employee has been demoted to a lower position

than that filled by him between January 1, 1942 and September 15, 1942 and the salary rate for such lower position is not less than the highest salary rate existing for that position during the same period.

(3) An employee has been relieved of substantial duties and responsibilities.

A disparity between salaries paid by a particular employer and those paid by employers generally in the local area does not necessarily constitute justification for decrease in salary rates paid by such employer.

Sec. 1002.16. *Salaries over \$5,000*—In the case of a salary rate existing as of the close of October 3, 1942, or established thereafter in compliance with these regulations, under which an employee is paid a salary of more than \$5,000 per annum, the employer is permitted to make, without approval by the Commissioner, a decrease to a rate not less than \$5,000 per annum. If, however, by virtue of a decrease the new salary paid to the employee is less than \$5,000 per annum, then the decrease below \$5,000 per annum is subject to the limitations of section 1002.15 of these regulations. To the extent that prior approval by the Commissioner of a decrease is not required under section 1002.15 or this section, such decrease shall not be considered as being in contravention of the Act.

SUBPART E—GOVERNMENTAL EMPLOYEES

Sec. 1002.17. *State and local employees*—An adjustment in salaries (not fixed by statute, see section 1002.32) may be made by a State, or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any of the foregoing, on certification to the Commissioner that such adjustment is necessary to correct maladjustments, or to correct inequalities or gross inequities. The certification procedure shall not apply to any adjustment which would not otherwise require the Commissioner's approval or which would raise salaries beyond the prevailing level of compensation for similar services in the area or community. A certificate by the official or agency authorizing the adjustment stating the nature and amount of such adjustment, and briefly setting forth the facts meeting the foregoing requirement, will be accepted by the Commissioner as sufficient evidence of the propriety of the adjustment, subject to review by the Commissioner. Modification by the Commissioner of adjustments made by a governmental official or agency acting pursuant hereto shall not be retroactive.

In exceptional cases where such an adjustment is sought, and in all cases where the agency seeks an adjustment other than by the certification procedure, application for approval shall be filed with the appropriate regional office of the Salary Stabilization Unit.

SUBPART F—LIMITATIONS ON CERTAIN SALARIES

Sec. 1002.18. *Basic allowance*—In addition to setting forth limitations on increases and decreases in salary rates, the General Regulations provide a ceiling on the amount of salary which may be paid to any employee during a calendar year. The general rule is that no amount of salary may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the calendar year 1943, and in each succeeding calendar year, which, after reduction by the Federal income taxes on the amount of such salary, computed as below without regard to other income and without regard to deductions or credits, would exceed \$25,000. Additional allowances of salary which may be permitted in certain circumstances are described in sections 1002.19 to 1002.22, inclusive.

The amount of Federal income taxes referred to in the preceding paragraph shall be determined—

(1) by applying to the total amount of salary (but not including any amounts allowable under sections 1002.19 to 1002.22, inclusive, of these regulations) paid or accrued during the calendar year in question, undiminished by any deductions, the rates of taxes imposed by Chapter 1 of the Code (except section 466 thereof relating to withholding) as if such total amount of salary were the net income (after the allowance of

the appropriate credit), the surtax net income, and the Victory tax net income, respectively; and

(2) without further allowance of any other credits against any of such taxes.

Assume that the rates imposed under Chapter 1 of the Code, as amended by the Revenue Act of 1942, are applicable with respect to the calendar year 1943. Under the formula described in the preceding paragraph, the basic allowance of salary for 1943 (which after reduction by the Federal income taxes would yield \$25,000) is \$67,200. This latter amount is the maximum amount of salary which an employee would be permitted to receive for 1943, provided he is not entitled to further allowances under sections 1002.19 to 1002.22, inclusive. If the rates of Federal income tax applicable for 1943 should be increased above those now existing in the Code for 1942, the basic allowance of salary will be an amount greater than \$67,200.

The basic allowance of salary as described in this section represents an amount against which the appropriate tax rates are applied and remains the same regardless of whether the employee is married or single or of the number of his dependents, if any. It is likewise unaffected by the nature or amount of his other income (taxable or exempt) or by the extent of his deductions allowable for tax purposes generally.

For purposes of this Subpart an amount of salary, in addition to the basic allowance of salary, will be permitted for any expenses paid or incurred by an employee which are ordinary and necessary for the performance of the services for which the employee is compensated. No such additional amount, however, shall be permitted for expenses which would not be deductible in computing individual Federal income taxes.

Sec. 1002.19. *Charitable contributions.*—An amount of salary, in addition to the basic allowance of salary described in section 1002.18, will be permitted in certain circumstances to allow an employee to maintain his customary contributions to charitable, educational or other organizations described in section 23(o) of the Code. Such additional amount of salary will be permitted if the employee establishes to the satisfaction of the Commissioner that after resorting to his other income from all sources he would suffer undue hardship in maintaining his customary contributions out of the basic allowance of salary described in the preceding section.

For purposes of this section and sections 1002.20, 1002.21, and 1002.22, "income from all sources" includes income which is exempt under the Federal income tax laws.

What constitutes "undue hardship" for purposes of this section and sections 1002.20, 1002.21, and 1002.22, is dependent upon all the circumstances in each case.

Contributions may be customary within the meaning of this section even though in the particular year in question the organizations to which the contributions are made are different from those to whom contributions were made in previous years.

Sec. 1002.20. *Insurance premiums.*—An amount of salary, in addition to the basic allowance under section 1002.18 may be permitted to an employee under this section to meet certain payments during the employee's taxable year for insurance premiums. To be entitled to such extra allowance of salary the employee must establish to the satisfaction of the Commissioner that after resorting to other income from all sources (see section 1002.19) he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet premium payments on policies of life insurance in force and effect on October 3, 1942 on his life.

The premium payments referred to in the preceding paragraph are those which are required to be met during the calendar year in question. No allowance for salary is permissible for payments of premiums which are due in future calendar years.

If any insurance has been permitted by an employee to lapse after October 3, 1942, no allowance for salary is permissible for payments of premiums on policies taken out after such date, even though the total annual premiums on the new policies are not in excess of the total annual

premiums due on policies in effect on October 3, 1942. Renewal of policies in effect on October 3, 1942 (even though new premiums are higher) will not preclude applicability of this section to premium payments on the renewed policies. Generally, in the case of a conversion of a policy in effect on October 3, 1942 to a new policy requiring payment of higher premiums, this section is inapplicable to the annual amount by which the new premiums exceed the premiums in effect on October 3, 1942.

As used in this section, and sections 1002.21 and 1002.22, substantial financial loss is not necessarily confined to a loss suffered on disposition of assets at depressed prices substantially below cost to the employee. The present value in use or in production of income and the potential future value are factors to be considered. For the purpose of this Subpart, the provisions of the Code governing the determination of loss upon disposition of assets are not controlling.

Sec. 1002.21. *Fixed obligations.*—An amount of salary in addition to the basic allowance under section 1002.18 may be permitted to an employee under this section to make required payments during the employee's taxable year on fixed obligations. Before any amount will be allowed under this section, the employee must establish to the satisfaction of the Commissioner that after resorting to his income from all sources (see section 1002.19), he is unable, without the necessity of disposing of assets at a substantial financial loss resulting in undue hardship, to meet required payments of fixed obligations for which he was obligated on October 3, 1942. See section 1002.20.

The term "fixed obligations" as used in this section means any enforceable liability of the employee the amount of which liability was fixed and determined on October 3, 1942. In no event is an allowance for salary permissible under this section for the payment of any amount due in future years.

Sec. 1002.22. *Federal taxes.*—An amount of salary in addition to the basic allowance under section 1002.18 may be permitted to an employee, under this section, to meet payments during the employee's taxable year of certain Federal income taxes. To be entitled to such an additional allowance of salary the employee must establish to the satisfaction of the Commissioner that after resorting to his income from all sources (see section 1002.19), he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet payments of certain Federal income taxes, more fully described below. See section 1002.20.

An allowance for additional salary is permissible in order to pay Federal income taxes owed by the employee himself for any prior taxable year, but is not permissible in order to pay any Federal income tax due on the basic allowance of salary under section 1002.18, except as this allowance is applicable for 1942. See section 1002.24. Thus, an amount for additional salary might be allowable in 1943 to meet the payment of the entire Federal income tax due on a salary received in 1942. In 1944 an amount for additional salary might be allowable to meet the payment of Federal income tax due on additional salary allowances permitted for 1943 under sections 1002.19, 1002.20, 1002.21 and this section for 1943; but no amount, however, would be allowable to meet the payment of the Federal income tax due on the basic allowance under section 1002.18 for 1943.

Sec. 1002.23. *Multiple employers.*—Salaries payable to an employee from more than one employer may, for purposes of Subpart F, be treated as if all such salaries were payable by a single employer, regardless of the financial or other relationship of the several employers. For example, individual A received a salary as an employee of the X Corporation and also as an employee of its subsidiary, the Y Corporation. Both the X Corporation and the Y Corporation are required to adjust their salary arrangements with such employee to conform with the provisions of these regulations. If individual B is employed by the M Corporation and the N Corporation, both of whom are owned, directly or indirectly, by the same person or persons, the M Corporation and the N Corporation must adjust their salary arrangements with B to conform with the provisions of these regulations. If individual C

is employed by the R Corporation and the S Corporation and both corporations have knowledge of that fact, they must adjust their salary arrangements with C to conform with the provisions of these regulations.

Where an individual is employed by two or more employers who, under these regulations, are required to make salary arrangements in order to conform with the provisions of Subpart F, such individual and employers will be deemed to be acting in contravention of the Act and these regulations if proper salary arrangements are not made. In any event, no employee may receive any salary in excess of that allowed under Subpart F. See Section 1002.30.

Sec. 1002.24. Limitation on 1942 salaries.—Unless payment thereof is required under a bona fide contract in effect on October 3, 1942, no amount of salary shall be paid or authorized to be paid to or accrued to the account of any employee or received by him after October 27, 1942 and before January 1, 1943, if the total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under section 1002.18 (but not under sections 1002.19 to 1002.22, inclusive) and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941. For purposes of this section, the term "bona fide contract" means a legally enforceable agreement, written or oral. Such an agreement may be evidenced by a bona fide resolution of a board of directors of a corporate employer passed on or before October 3, 1942. The amount allowable under section 1002.18 for 1942 (before reduction by any Federal income taxes) is \$54,428.57.

Sec. 1002.25. Community property.—The limitations on salaries provided for in sections 1002.18 to 1002.24, inclusive, shall in nowise be affected by any community property law. For example, an employee resident in the State of R receives a salary in 1943 of \$100,000. Under the laws of that State, \$50,000 of that salary is deemed to be the property of the employee's wife. For purposes of these regulations, the employee's salary is \$100,000, not \$50,000.

Sec. 1002.26. Taxable year.—For purposes of Subparts F and G of these regulations, the term "taxable year" of an employee shall mean the calendar year during which the salary in question is paid or authorized to be paid to or accrued to the account of such employee or received by him. This rule is applicable regardless of whether the employer or employee, or both, file Federal income tax returns for a fiscal year or report income, for Federal income tax purposes, on an accrual basis or on the cash receipts and disbursements basis.

Sec. 1002.27. Effective date.—The provisions of this Subpart, except as provided in section 1002.24, shall be applicable to all salaries paid or accrued after December 31, 1942, irrespective of when payment or accrual of such salary was authorized and irrespective, also, of any contract or agreement made prior to or after such date.

SUBPART G.—EFFECT OF UNLAWFUL PAYMENTS

Sec. 1002.28. Amounts disregarded.—(a) Section 5(a) of the Act provides in effect that the President shall prescribe the extent to which any salary payment made in contravention of regulations promulgated under the Act shall be disregarded by executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation. In any case where a salary payment is determined by the Commissioner to have been made in contravention of the Act, the entire amount of such payment is to be disregarded by all executive departments and all other agencies of the Federal Government for the purposes of—

(1) determining costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof;

(2) calculating deductions under the revenue laws of the United States; or

(3) determining costs or expenses under any contract made by or on behalf of the United States.

A payment in contravention of the Act may be disregarded for more than one of the foregoing purposes.

(b) In the case of salaries decreased in contravention of the Act, the amount to be disregarded, as required by paragraph (a) of this section, is the amount of the salary actually paid or accrued by the employer at the reduced rate. Thus, if, for example, on November 1, 1942, a weekly salary rate of \$100 has been unjustifiably reduced to \$50 for the remainder of the calendar year 1942, the amount to be disregarded under paragraph (a) of this section is the total amount of salary paid at the weekly rate of \$50.

(c) In the case of salaries increased in contravention of the Act, the amount to be disregarded, as required by paragraph (a) of this section, is the amount of the salary actually paid or accrued by the employer at the increased rate and not merely an amount representing an increase in such salary. Thus, if, for example, on November 1, 1942, a weekly salary rate of \$100 is unjustifiably increased to \$150 for the remainder of 1942, then the amount of salary to be disregarded for purposes of paragraph (a) of this section is the total amount paid at the weekly rate of \$150. Also, if, for example, on February 1, 1943 a weekly salary rate of \$100 is increased to \$150 without prior required approval, but is restored to \$100 on June 1, 1943, after formal disapproval by the Commissioner or regional officer, then the amount of salary to be disregarded for purposes of paragraph (a) of this section is the total amount at the weekly rate of \$150. Neither in the cases described in this paragraph nor in the case described in paragraph (b) of this section are the total amounts paid at the weekly rate of \$100 to be disregarded for purposes of paragraph (a) of this section. (See section 1002.31 relating to salary allowances under section 23 (a) of the Code.)

(d) In the case of a salary in excess of the amount allowable under Subpart F of these regulations which is paid to, authorized to be paid to, or accrued to the account of an employee during his taxable year (as distinguished from the taxable year of the employer) in contravention of the Act, the amount to be disregarded is the full amount of such salary and not merely the amount representing the excess over the amount allowable under such Subpart F of these regulations. Thus, if, for example, under such Subpart F an employee would be entitled to receive a total salary during his taxable year of \$67,200 for services rendered in such year, but actually receives \$100,000 for such services, then the entire amount of \$100,000 is to be disregarded for purposes of paragraph (a) of this section.

Sec. 1002.29. Criminal penalties.—Section 5 (a) of the Act provides in substance that no employer shall pay, and no employee shall receive, any salaries in contravention of the regulations promulgated by the President under the Act. Section 11 of the Act provides that any person, whether an employer or employee, who wilfully violates any provision of the Act or of any regulations promulgated thereunder, shall be subject, upon conviction, to a fine of not more than \$1,000, or to imprisonment for not more than one year, or to both such fine and imprisonment.

Sec. 1002.30. Salary allowances under Code.—Under section 23 (a) of the Code reasonable allowances for salaries are allowed as deductions in computing net income. The tests which determine whether an allowance for salaries paid or accrued is reasonable within the meaning of section 23 (a) of the Code are in no wise suspended by any provision of these regulations. An employer may be exempt from the operation of these regulations yet be denied deductions for purposes of section 23 (a) of the Code with respect to the salaries paid or accrued by him. Also, a basic allowance under section 1002.18 and additional allowances under sections 1002.19 to 1002.22, inclusive, may nevertheless be disallowed in whole or in part as deductions under section 23 (a) of the Code.

SUBPART H.—EXEMPTIONS

Sec. 1002.31. Exempt employers.—The provisions of these regulations, except those contained in Subparts F

and G thereof, shall not apply in the case of an employer who employs eight or less individuals in a single business. An employer is subject to the provisions of these regulations if at the time a salary increase is to take effect he has in his employ more than eight individuals in a single business. It is not necessary that each employee be paid a salary provided all the individuals employed receive compensation for their personal services. If it is subsequently determined that the number of employees has been temporarily reduced by the employer, or that the employer has utilized any other improper device, for the sole purpose of claiming the exemption provided in the General Regulations and these regulations, then such exemption shall be deemed to have been improperly obtained and of no force or effect.

An employer may be exempt under this section notwithstanding that shortly after the effective date of a salary increase he enlarges his personnel in good faith to more than eight employees. Any further adjustment in salary will then be subject to the provisions of these regulations.

Sec. 1002.32. *Statutory salaries*—The provisions of these regulations are applicable in every respect to any salary paid by the United States, any State, Territory, or possession or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, except where the amount of such salary is fixed by statute. The term "statute" for purposes of this section does not include a municipal ordinance or resolution enacted by a governmental unit inferior to a State, Territory, or possession. Salaries covered by the Federal Classification Act of 1923, as amended, are excluded from the operation of these regulations. Likewise, salaries, for example, of public school teachers which are paid under salary schedules fixed by a state legislature and providing for mandatory increments are excluded from the operation of these regulations. See section 1002.17.

Sec. 1002.33—*Services in foreign countries*—The provisions of these regulations shall not be applicable in the case of any individual employer, resident in the United States or any Territory or possession thereof, or of a corporate employer organized under the laws of the United States or any State, Territory or possession, with respect to salaries paid by such employers to employees for services rendered exclusively in foreign countries.

Sec. 1002.34. *Foreign employers*—The provisions of these regulations shall not be applicable in the case of nonresident foreign employers except that if any salary is paid to an employee residing in the United States payment of such salary is subject to all the provisions of these regulations.

GUY T. HELVERING,
Commissioner of Internal Revenue.

APPROVED: December 2, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

(Filed with the Division of the Federal Register December 2, 1942, 11:40 a.m.)

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, December 7. They are subject to change.

Tuesday, December 8

WQAM—Miami Broadcasting Company, Miami, Fla.—Modification of C. P., 560 kc., 1 KW night, 5 KW day, unlimited.

WKBW—Buffalo Broadcasting Corporation, Buffalo, N. Y.—Renewal of license (main and auxiliary), 1520 kc., 50 KW, unlimited, DA-day and night.

WGR—Buffalo Broadcasting Corporation, Buffalo, N. Y.—Renewal of license (main and auxiliary), 550 kc., 1 KW night, 5 KW day, unlimited, DA-night.

Wednesday, December 9

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of license, 700 kc., 50 KW night, 500 KW day, unlimited, using W8XO transmitter.

Consolidated Hearing

To be held before Commissioner George Henry Payne in Federal Court Room 245, Post Office Building, New Orleans, Louisiana.

WDSU—WDSU, Incorporated, New Orleans, La.—C. P., 1280 kc., 5 KW, DA-day and night, unlimited.

WDSU—WDSU, Incorporated, New Orleans, La.—Renewal of license, 1280 kc., 1 KW night, 1 KW day, unlimited.

WMIS—Natchez Broadcasting Co., Natchez, Miss.—Renewal of license, 1490 kc., 250 watts, unlimited.

WGRM—P. K. Ewing, Greenwood, Miss.—Renewal of license, 1240 kc., 250 watts, unlimited.

Friday, December 11

WFLA—The Tribune Company, Tampa, Fla.—C. P., 970 kc., 5 KW, unlimited, DA-night.

Further Consolidated Hearings

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—C. P., 1220 kc., 5 KW, unlimited, DA-day and night.

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—C. P., 1480 kc., 1 KW, unlimited, DA-night.

WADC—Allen T. Simmons, Tallmadge, Ohio.—C. P., 1220 kc., 50 KW, unlimited, DA-day and night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WNYC—City of New York Municipal Broadcasting System, New York City.—Granted application (Commissioners Case and Craven dissenting), for Special Service authorization to change hours of operation from limited to 6 a. m. to 10 p. m. with power of 1 KW, for the period of the license, using non-directional antenna between local sunrise and sunset and Minneapolis, and directional antenna prior to local sunrise and from local sunset at Minneapolis until 10 p. m. adjusted so as to radiate approximately 56 m/v in the direction of WCCO; the data setting forth the details of the antenna readjustments subject to approval of the Chief Engineer; also granted authority to replace portions of the phasing equipment (B1-SSA-52).

KHUB—John P. Scripps (Assignor), Luther E. Gibson (Assignee), Watsonville, Calif.—Granted consent to voluntary assignment of license (B5-AL-310) of Station KHUB from John P. Scripps to Luther E. Gibson, subject, however, to the express condition that this action is without prejudice to the application to the licensee of any report, policy, rule or regulation which may result from the proceedings under Order No. 79.

KOCY—M. C. McEldowney (Transferor), Plaza Court Broadcasting Co., John D. Thomas and C. E. Johnson (Transferees), Oklahoma City, Okla.—Granted consent to relinquishment of control of station KOCY from M. S. McEldowney to Plaza Court Broadcasting Co., John D. Thomas and C. E. Johnson, by transferee's purchase of 300 shares or 32.6 per cent of the issued and outstanding stock of licensee for a total consideration of \$30,000 (B3-TC-311).

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted modification (B2-MP-1660) of construction permit (B2-

P-2637) for extension of completion date from Nov. 10, 1942, to May 10, 1943.

WOOD-WASH—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted application (B2-L-1729) of WOOD for license to cover construction permit to operate with 5 KW on 1300 kc.; also granted authority to determine operating power (B2-Z-1471). Designated for hearing application for modification of license for WASH (B2-ML-1143), to authorize operation with the new equipment authorized for station WOOD, affirming Commissioner Craven's denial for temporary authority to WASH to operate WOOD's transmitter.

DESIGNATED FOR HEARING

Head of the Lakes Broadcasting Co., Superior, Wisc.—Designated for hearing application (B4-PH-74) for new high frequency (FM) broadcast station to operate on 44500 kc. with coverage of 2,754 square miles; hours of operation: 6 day, 5 night.

DOCKET CASE ACTIONS

The FCC has announced its Proposed Findings of Fact and Conclusions (B-164) proposing to deny without prejudice the application of Herman Radner, Dearborn, Mich., for a construction permit to establish a new standard broadcast station to use 680 kilocycles, with 250 watts power, daytime only. This action was taken in view of the fact that the proposal involves the use of materials and personnel and is in conflict with the Memorandum Opinion of April 27, 1942. (Docket No. 6220.)

The Commission announced its Proposed Findings of Fact and Conclusions (B-163) proposing to deny without prejudice the applications of Northside Broadcasting Corp. (WGRC), New Albany, Ind., for construction permit to move transmitter locally, increase power from 250 watts to 1 kilowatt, install new transmitter, change frequency from 1400 to 790 kilocycles, and install directional antenna for daytime and nighttime use; and Kingsport Broadcasting Co., Inc. (WKPT), Kingsport, Tenn., for construction permit to change frequency from 1400 to 790 kilocycles, increase power from 250 watts to 1 kilowatt, install a new transmitter, and erect a directional antenna for nighttime use. This action was likewise taken in view of the fact that the proposals involve the use of materials and personnel and are in conflict with the Memorandum Opinion of April 27, 1942. (Docket Nos. 6052 and 6249, respectively.)

Like action was announced in the Commission's Proposed Findings of Fact and Conclusions (B-162) on the applications of The Associated Broadcasters, Inc. (KSFO), San Francisco, Calif., for construction permit to install new transmitting equipment, erect a directional antenna for day and nighttime operation, change the station's transmitter location, and change operating assignment from 560 kilocycles, 5 kilowatts day and 1 kilowatt night, to 740 kilocycles with power of 50 kilowatts; and Pacific Agricultural Foundation, Ltd. (KQW), San Jose, Calif., for construction permit to install new transmitting equipment, make changes in directional antenna, and to increase operating power on 740 kilocycles from 5 to 50 kilowatts, unlimited time. (KQW presently operates under authority of a temporary license on 740 kilocycles with power of 5 kilowatts, using a directional antenna.) The Commission also concluded that the continued operation of KQW on 740 kilocycles under authority of a temporary license shall not be deemed to affect the position of any party in connection with operation on 740 kilocycles when conditions permit the construction of other facilities for operation on said frequency.

The Commission announced issuance of a Supplemental Findings of Fact and Conclusions (B-144) in re the application of Butler Broadcasting Corp., for construction permit for new standard broadcast station at Hamilton, Ohio. The Commission states in its Supplemental Proposed Findings:

"The Commission having fully considered all of the evidence in the record, and finds unnecessary the adoption of findings and conclusions on issues other than those having to do with the policy set forth in the Commission's Opinion of April 27, 1942, and hereby "vacates its Proposed Findings and Conclusions adopted February 17, 1942, and hereby makes and enters on the basis for the Commission's decision herein the following Proposed Findings and Conclusions:

(a) The granting of the application would not be consistent with

the policy promulgated by the Commission in its Opinion of April 27, 1942.

(b) Public interest, convenience or necessity would not be served through a grant of the application, which should therefore be denied."

The Commission adopted an Order making final its Proposed Findings of Fact and Conclusions (B-158) denying without prejudice the application of Louis G. Baltimore (WBRE), for a construction permit for a satellite station at Scranton, Pa., to operate with 100 watts power, simultaneously with Station WBRE.

The Commission announced its Decision and Order denying the application of The Crosley Corp. (W8XO), Cincinnati, Ohio, for construction permit to increase the maximum power of Developmental Broadcast Station W8XO to 750 kilowatts. The Commission further ordered that the outstanding license for the operation of Developmental Station W8XO be terminated, in accordance with the condition therein contained, effective January 1, 1943.

MISCELLANEOUS

WAAF—Downers Journal Publishing Co., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1463).

KVIC—Radio Enterprises, Inc., Victoria, Texas.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1465).

KSEH—KSTP, Inc., St. Paul, Minn.—Granted license (B4-LRE-425) to cover construction permit (B4-PRE-419) for new relay broadcast station to be used with applicant's standard station KSTP; frequencies 156750, 158400, 159300, 161100 kc., 50 watts.

KVGB—Helen Townsley, Great Bend, Kans.—Granted license (B4-L-1714) to cover construction permit (B4-P-3509), for move of transmitter. Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-1461).

WCOD—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1468).

KEHT—The KANS Broadcasting Co., area of Wichita, Kans.—Granted renewal of relay broadcast station license for the period December 1, 1942, to December 1, 1943 (B4-RRE-377).

WERB—Pinellas Broadcasting Co., area of St. Petersburg, Fla.—Granted renewal of relay broadcast station license for the period December 1, 1942, to December 1, 1943 (B3-RRE-376).

WAFK—A. Frank Katzentine, area of Miami Beach, Fla.—Granted renewal of relay broadcast station license for the period ending October 1, 1944 (B3-RRY-242).

KBTB—Red River Broadcasting Co., Inc., Duluth, Minn.—Present relay broadcast station license further extended upon a temporary basis only, pending determination upon applications for renewal, in no event later than January 1, 1943 (B4-SRY-196).

KGBK—Helen Townsley, area of Great Bend, Kans.—Present relay broadcast station license further extended upon a temporary basis only, pending determination upon applications for renewal, in no event later than January 1, 1943 (B4-SRY-240).

WAEA—W. A. Patterson, area of Chattanooga, Tenn.—Present relay broadcast station license further extended upon a temporary basis only, pending determination upon applications for renewal, in no event later than January 1, 1943 (B3-SRY-132).

WDSU—WDSU, Inc., New Orleans, La.—Denied motion to continue hearing now set for December 9, in re applications of WDSU for construction permit to operate on 1280 kc., 5 KW, directional antenna day and night, unlimited time, and for renewal of license (Dockets 6331 and 6332); Natchez Broadcasting Co. (WMIS), Natchez, Miss., for renewal of license (Docket 6333); and P. K. Ewing (WGRM), Greenwood, Miss., for renewal of license (Docket 6334).

Beauford H. Jester, Individually and as Trustee for W. W. Callan, Dewitt T. Hicks, Hilton W. Howell, Wilford W. Naman, Robert G. Levy, Ross M. Sams and Davis Stribling, Waco, Texas.—Granted motion for extension of time within which to file proposed findings, now due November 18, in re application for construction permit for new broadcast station (Docket No. 6218).

- WHKC—United Broadcasting Co., Columbus, Ohio.—Denied motion for continuance of hearing set for December 16 on application for construction permit to operate on **610 kc.**, 1 KW, directional antenna night, unlimited time (Docket 6408).
- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted motion for continuance of deposition from November 25 to December 2 and hearing dates from December 4 to December 11, in re applications of WGAR for construction permit to operate on **1220 kc.**, 5 KW, unlimited, directional antenna day and night, The Ohio Broadcasting Co. (WHBC), Canton, Ohio, for construction permit to operate on **1480 kc.**, 1 KW, unlimited, directional antenna night, and Allen T. Simmons (WADC), Tallmadge, Ohio, for construction permit to operate on **1220 kc.**, 50 KW, unlimited, directional antenna day and night (Dockets 6309, 6310 and 6311 respectively).
- J. C. Kaynor, Ellensburg, Wash.—Denied petition to defer action until Order 79 is decided, on application for construction permit for new station (Docket 5965).
- WLW—The Crosley Corp., Cincinnati, Ohio.—Denied motion for leave to strike hearing issues 6, 7 and 8 in re application for modification of license to operate on **700 kc.**, 50 KW day, 500 KW night, unlimited time, using W8XO transmitter; on Commission's own motion granted leave to amend to application so as to specify operation with proposed daytime power only between local sunrise and local sunset; and ordered that hearing issues 6, 7 and 8 be stricken from hearing notice on application as so amended (Docket 6341).
- WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted modification (B3-MP-1668) of construction permit (B3-P-2966) for extension of completion date from 12-7-42 to 1-7-43.
- WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Granted modification (B4-MP-1672) of construction permit (B4-P-3288) for extension of completion date to 6-7-43.
- WRDO—WRDO, Inc., Augusta, Maine.—Granted motion to postpone hearing now set for November 25, until December 18, in re application for construction permit to operate on **1400 kc.**, 250 watts, unlimited time (Docket 6419).
- WDSU—WDSU, Inc., New Orleans, La.—Denied motion to continue hearing now set for December 19, in re applications of WDSU for construction permit to operate on **1280 kc.**, 5 KW, directional antenna day and night, unlimited time, and for renewal of license (Dockets 6331 and 6332); Natchez Broadcasting Co. (WMIS), Natchez, Miss., for renewal of license (Docket 6333); and P. K. Ewing (WGRM), Greenwood, Miss., for renewal of license (Docket 6334).
- WMIS—Natchez Broadcasting Co., Natchez, Miss., and WGRM—P. K. Ewing, Greenwood, Miss.—Granted motion to take depositions and for waiver of Section 1.221 of the Commission's Rules of Practice and Procedure, in re Dockets 6333 and 6334 above.
- WMIS—Natchez Broadcasting Co., Natchez, Miss., and WDSU—WDSU, Inc., New Orleans, La.—On the Commission's own motion, supplemented the issues in Dockets 6333 and 6332.
- KWG—McClatchy Broadcasting Co., Stockton, Calif., and KROY—Royal Miller, Sacramento, Calif.—Granted petition to dismiss without prejudice applications of KWG for construction permit to operate on **1230 kc.**, 250 watts, unlimited, and of KROY for construction permit to operate on **1240 kc.**, 250 watts, unlimited (Dockets 6427 and 6428 respectively).
- Olympic Broadcasting Corp., Bremerton, Wash.—Granted petition to dismiss without prejudice application for construction permit for new station (Docket 6445).
- WTNJ—WOAX, Inc., Trenton, N. J.—Granted petition to continue consolidated hearing set for December 2, until December 21, on application of WTNJ, City of Camden (WCAM), Camden, N. J., and Radio Industries Broadcast Co. (WCAP), Asbury Park, N. J., for renewal of licenses and modification of licenses (Dockets 5893 and 6161; 5361 and 6144; and 5778 and 6145, respectively).
- WSAY—Brown Radio Service & Lab. (Gordon P. Brown, Owner), Rochester, N. Y.—Granted modification of construction permit which authorized change in frequency, increase in power, installation of directional antenna for day and night use and new transmitter, and move of transmitter, for extension of completion date from November 23, 1942, to May 1, 1943 (B1-MP-1661).
- WOOD—King Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted modification of construction permit as modified, which authorized increase in power, installation of directional antenna for night use, and move of transmitter and studio, and new transmitting equipment, for extension of completion date from November 23 to December 23, 1942 (B2-MP-1674).
- WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Granted modification of construction permit as modified which authorized changes in frequency, increase in power, move transmitter, and installation of directional antenna for day and night use and new transmitter, for extension of completion date from November 19 to December 4, 1942 (B4-MP-1671).
- KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Granted license to cover construction permit as modified, which authorized increase in power, installation of directional antenna for day and night use, new transmitter, and move of transmitter (B5-L-1704). Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1434).
- WWNY—The Brockway Co., Watertown, N. Y.—Granted license to cover construction permit as modified, for installation of directional antenna for night use, change frequency, increase power, change hours of operation, and move transmitter (B1-L-1723). Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1459).
- WSBT—South Bend Tribune, South Bend, Ind.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1469).
- KGCC—E. E. Krebsbach, Sidney, Mont.—Granted modification of license to change location of main studio to Main Street, Sidney, Mont. (B5-ML-1141).
- WCAO—The Monumental Radio Co., Baltimore, Md.—Granted license to cover construction permit as modified, which authorized increase in power, installation of new transmitter and directional antenna for day and night use, and move of transmitter (B1-L-1718). Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1452).
- WBEZ—Board of Education, City of Chicago, Ill.—Granted modification of construction permit as modified, for new non-commercial educational broadcast station, for extension of completion date from December 7, 1942, to March 7, 1943 (B4-MPED-16).
- WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted petition for postponement of hearing now set for December 17 to January 18, 1943, in re application for construction permit (Docket 6441).
- Lewis R. Gilmer, Joliet, Ill.—Granted petition to request late filing of appearance in re application for new station to communicate with ship telephone stations on Mississippi River and connecting inland waters (Docket 6451).

APPLICATIONS FILED AT FCC

600 Kilocycles

- WSJS—Piedmont Publishing Co., Winston-Salem, N. Car.—License to use present licensed RCA 250-D transmitter as an auxiliary transmitter with power of 250 watts.

1130 Kilocycles

- WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Special service authorization to operate from 7:00 a. m. to local sunrise during the months of December, 1942; January, February and March, 1943; with power of 250 watts.

1150 Kilocycles

- WDEL—WDEL, Inc., Wilmington, Dela.—Modification of construction permit (B1-P-2758 as modified), which authorized increase in power, installation of new transmitter and directional antenna for day and night use for changes in daytime directional antenna pattern and extension of commencement and completion dates.

1240 Kilocycles

- KROY—Royal Miller, Sacramento, Calif.—Voluntary assignment of license from Royal Miller to Royal Miller, Marion Miller, L. H. Penney, Gladys W. Penney and Will Thompson, Jr., doing business as Royal Miller Radio.
- KICD—Iowa Great Lakes Broadcasting Co., Spencer, Iowa.—Authority to determine operating power by direct measurement of antenna power.

1290 Kilocycles

- KHSL—Golden Empire Broadcasting Co., Chico, Calif.—License to cover construction permit (B5-P-3100 as modified), which authorized increase in power and installation of directional antenna for day and night use.
- KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Authority to determine operating power by direct measurement of antenna power.
- WTOC—Savannah Broadcasting Co., Savannah, Ga.—Modification of construction permit (B3-P-2944 as modified), which authorized installation of directional antenna for night use and increase in power for extension of completion date from 12-15-42 to 2-15-43.

FM APPLICATIONS

- NEW—Everett L. Dillard, trading as K49KC, Commercial Radio Equipment Co., Kansas City, Mo.—License to cover construction permit (B4-PH-14 as modified), which authorized construction of new high frequency broadcast station, in part, in accordance with Commission action of 8-4-42.

MISCELLANEOUS APPLICATIONS

- W6XDU—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-PVB-83 as modified), which authorized addition of aural equipment using special emission for extension of completion date from 12-1-42 to 4-1-43.
- NEW—The Crosley Corporation, Mason, Ohio.—Construction permit for a new international broadcast station to be operated on 6080, 9590, 11710, 15250, 17800 and 21650 kc., with power of 200 KW, A3 emission.
- KBTB—Red River Broadcasting Co., Inc., Duluth, Minn.—License to cover construction permit (B4-PRY-289), which authorized move of transmitter of relay broadcast station.

**FEDERAL TRADE
COMMISSION DOCKET**

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why a cease and desist order should not be issued against it.

United Delivery System, 639 New York Ave., N. W., Washington, D. C., and Esther Kressin, selling and distributing post cards, envelopes, and forms intended to be used by creditors and collection agencies in obtaining information concerning debtors, are charged in a complaint with unfair and deceptive acts and practices. (4873)

CEASE AND DESIST ORDERS

No cease and desist orders were issued last week by the Commission.

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Flurene Chemicals, Ltd., Washington, D. C., entered into a stipulation to cease and desist from misrepresenting medicinal preparations designated "Flurene Nose and Throat Drops" and "Flurene Salve." (03075)

G. A. Labrador, Honolulu, T. H., stipulated that he will cease and desist from representing that the preparation he sells under the name "Curadalis" will relieve or cure all types of skin diseases and relieve tropical skin diseases which occur among sugar cane and pineapple workers, or that it has any therapeutic value in excess of relieving minor skin irritations. (03076)

Lion Uniform Co., Dayton, Ohio, stipulated to discontinue misrepresenting the fiber content of fabrics from which his Lion-Bilt uniforms are manufactured. (03077)

COMPLAINT DISMISSED BY FTC

The Federal Trade Commission has dismissed a complaint which charged a group of companies and individuals with engaging in a combination tending to restrain competition in the compressing and storing of cotton and in the interstate sale of jute or burlap bagging and steel bands used in compressing cotton.

The complaint named the following respondents:

Federal Compress & Warehouse Co., Memphis, Tenn., and its officers, R. L. Taylor, Binford Hester, E. F. Wade, and Winston E. Cheairs; Valley Credit Co., Blytheville, Ark.; Mississippi Valley Gin Co., Jackson, Miss.; Tensas Parish Gin Co., Newellton, La.; Madison Parish Gin Co., Inc., Tallulah, La.; Southern Credit Corp., Greenville, Miss.; Rainwater Credit Corp., and C. N. Rainwater, trading as C. N. Rainwater & Co., Little Rock, Ark.; J. E. Andre, Little Rock, Ark., and W. Dennis Brown and Fred Schneider, Lake Providence, La.

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1626 K STREET, N. W.

WASHINGTON, D. C.

Vol. 10, No. 49, December 11, 1942

Bond Expense Deductible

Under date of December 9, the Commissioner of Internal Revenue has ruled that, by broadcasting information as to the necessity for the buying of War Bonds, radio stations are carrying on one of the functions for which they were organized and that the expenses incurred in connection therewith are deductible as ordinary and necessary business expenses under Section 23(a) of the Internal Revenue Code.

The Treasury, according to unconfirmed rumors, has under consideration the question of allowing the money value of radio time donated to the Government for announcements and programs in support of the war effort as a gift or contribution under the amendment to Section 23 made in the Revenue Act of 1942. Contributions or gifts to the United States for exclusively public purposes are deductible to an amount which does not exceed 5% of the taxpayer's net income. The question on which the Treasury may rule is, does a gift of radio time constitute a "contribution or gift" within the meaning of that section.

We print below the letter from the Commissioner of Internal Revenue:

(Copy)

TREASURY DEPARTMENT

Washington

December 9, 1942.

Office of
Commissioner of Internal Revenue

IT:P:T:2
CP

Mr. Russell P. Place, Counsel,
National Association of Broadcasters,
Normandy Building,
1626 K Street, N. W.
Washington, D. C.

Sir:

Further reference is made to your letter of July 21, 1942, regarding the deductibility for Federal income tax purposes of expenses incurred by radio stations in promoting the sale of War Bonds. You enclosed two copies of the "National Association of Broadcasters—War Service Bulletin," which you state indicates, in a general way, the kind of expenses that will be incurred by radio stations in promoting the sale of War Bonds. Plans of handling the matter by radio stations are set forth therein as follows:

"Plan 1. A station becomes an issuing agent and gets a supply of bonds. Its own employees handle the

over-the-counter as well as mail order sales. An all-out promotion job is launched; listeners are urged to come in and buy or send in their checks. The station is in the bond selling business.

"Plan 2. A station does not become an issuing agent but establishes a basis of all-out cooperation with some established issuing agency or agencies. Listeners are urged to go and buy or send in their mail orders direct to these agencies.

"Plan 3. A station becomes an issuing agent and gets its bond supply.

"Some volunteer organization, like Navy Relief, etc., takes on the job of handling the over-the-counter as well as the mail order sales. Again an all-out promotion campaign is launched to get buyers to come in or write in and buy.

"Plan 4. A station steps-up its present war bond sales and agrees to receive mail orders and see that they are transmitted to an issuing agent."

You also enclosed a newspaper clipping from the "Advertising Age" of June 25, 1942, concerning the deductibility for Federal income tax purposes, of expenses incurred by newspapers in promoting the sale of War Bonds, under section 23(a) of the Internal Revenue Code.

The test of whether expenditures are deductible from gross income is whether they are ordinary and necessary expenditures directly connected with or pertaining to the taxpayer's trade or business. As indicated by the newspaper clipping submitted, the Bureau has ruled that expenses incurred by newspapers in directing public attention to the vital necessity of the successful marketing of war bonds are deductible as ordinary and necessary business expenses. Such ruling is based upon the recognition that it is the business of newspapers, among other things, to disseminate news and bring to the attention of readers matters of public interest. Newspapers in thus promoting the sale of war bonds are considered to be engaged in carrying on one of the functions for which they are organized and the expenses incurred are identified as being directly connected with the business of operating a newspaper.

It appears that the business of a radio station includes, among other things, broadcasting of news, advertising of products and dissemination of other matters of interest to the public. By broadcasting information as to the necessity of buying war bonds, radio stations are carrying on one of the functions for which they are organized and the expenses incurred in connection therewith are deductible as ordinary and necessary business expenses on the basis of the reasoning applied in the case of newspapers.

As appears from the plans above set forth, it is contemplated that in addition to broadcasting information as to the necessity of buying war bonds, radio stations may either receive mail orders for bonds and see that they are transmitted to an issuing agent or sell bonds as issuing agents, either by mail or over-the-counter, using their own employees for these purposes. Expenses incurred by radio stations in carrying on such activities may properly be considered as expenses for institutional or good will advertising, which are also deductible from gross income under section 23(a) of the Internal Revenue Code if reasonable in amount. In this connection attention is

(Continued on page 698)

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

BOND EXPENSE DEDUCTIBLE

(Continued from page 697)

called to I.T. 3564, I.R.B., 1942-28,2, which reads as follows:

"Advice is requested as to the deductibility for Federal income tax purposes of amounts expended by business concerns for advertising which promotes the sale of United States war bonds and stamps.

"The test of whether expenditures for advertising are deductible is whether they are ordinary and necessary and bear a reasonable relation to the business activities in which the enterprise is engaged. This is not intended to exclude institutional advertising in reasonable amounts or good will advertising calculated to influence the buying habits of the public. If such expenditures are extravagant and out of proportion to the size of the company or to the amount of its advertising budget in the past, or if they are not directed to public patronage which might reasonably be expected in the future, such payments will be disallowed as deductions.

"The above general tests are equally applicable in determining the deductibility of amounts expended for institutional or good will advertising which promotes the sale of war bonds and stamps."

Respectfully,

(S) GUY T. HELVERING,
Commissioner.

War Manpower Commission

One agency is now charged with effective mobilization and utilization of the Nation's manpower to meet both military and home front needs. This vital war function is placed in the hands of the War Manpower Commission and its Chairman, Paul V. McNutt.

Home Front Needs—As may be required by prosecution of the war, the Commission Chairman is given authority to take "all lawful and appropriate" steps to assure that:

(a) all hiring, solicitation, and recruitment of workers in any plant, occupation or area be channeled through the U. S. Employment Service;

(b) no employer retain any worker whose services are more urgently needed in another plant, occupation, or area.

Express authority is given in this respect only over employers; but powerful levers for putting workers in essential jobs exist—authority to make USES the sole hiring agency, and control over selective service.

Military Needs—Selective Service System is transferred to the Manpower Commission. Local and appeal boards are made subject to the WMC Chairman's supervision and direction. General Hershey remains as Chief of the Bureau of Selective Service.

Voluntary enlistment of male persons between the ages of 18 and 38 in the enlisted personnel of the armed forces is forbidden.

Military training programs in educational institutions are to conform to policies and regulations of the Commission Chairman.

Induction of draft registrants 38 years and older is suspended. Provision is made for conditional release from the Army of enlisted men in the same age group.

Paul V. McNutt, chairman of the War Manpower Commission, made the following statement at a press conference Monday:

"I believe that the centralization of manpower control accomplished by the President's Order is a prerequisite to an adequate attack upon the tremendous task of allocating men to the Armed Forces and to War Industry.

"Although gratified with the grant of additional authority, I am at the same time thoroughly aware of the heavy responsibility which accompanies it and I am approaching it with an attitude of humility.

"The transfer of the Selective Service System and the restrictions on voluntary enlistments will make possible a unified plan for the orderly withdrawal of men from civilian life with the least possible disturbance of essential war production. Until further integration plans are perfected, I shall expect the Selective Service Director to administer the program as heretofore. Administrative changes must necessarily be made gradually and in a way which will not interrupt the effective discharge of duties by the Director and his operating staff.

"The authorization for the regulation of hiring is clearly a necessary control in areas of critical labor shortages. Although I am determined to exercise this authority, where necessary, to prevent labor hoarding and allocate essential workers to war plants, action will be taken only in those areas and with respect to those occupations where it is essential to meeting labor requirements. Until further clarification, it should be understood that presently approved methods of recruiting and hiring may continue.

"The provision for a uniform policy for the utilization of educational institutions will enable the Commission and the Armed Services to complete plans which will eliminate the confusion and misunderstanding on the part of these institutions as to the Government's desires in this respect.

"The provisions for the legal status of the Management-Labor Policy Committee is recognition of the work of that group and will, I believe, enable it to perform its functions in a still more effective way.

"In order to discharge the added responsibilities imposed upon the Commission, certain immediate administrative and organizational changes are necessary. A number of these have already been made.

"Now that the transfer of the United States Employment Service from the Social Security Board to the War Manpower Commission has been effected, Arthur J. Altmeyer, the Chairman of the Social Security Board, who has been serving as Executive Director of the War Manpower Commission, and John J. Corson, the Director of the Bureau of Employment Security of the Social Security Board, who has been serving as Chief of the Division of Industrial and Agricultural Employment of the War Manpower Commission, have indicated their desire to devote their full time and energy to their work in the field of social security. They point out that with the transfer of the United States Employment service the need no longer exists for their serving as both War Manpower Commission and Social Security Board officials, in order to integrate the activities of these two agencies. They also stress the importance of giving attention to strengthening our social security system as a war-time necessity as well as a post-war protection. I am in full accord as to the importance of social security and must, therefore, reluctantly concur in their decision.

"I am asking Mr. Altmeyer to serve as the representative of the Federal Security Agency in the War Manpower Commission. Within a short time, a successor to Mr. Altmeyer will be appointed. In the meantime, I have designated Mr. Arthur Flemming, a member of the War Manpower Commission, to undertake the duties of the office

District Meetings

DISTRICT 1

as Acting Executive Director. Mr. Flemming has worked closely with the staff of the Commission and with the Management-Labor Policy Committee and is thoroughly familiar with the manpower program. I am confident that he will press forward with that program, in an aggressive and vigorous manner, until a permanent appointment is made.

"Within a few days a full announcement of the re-organization of the Washington and field staffs of the Commission will be announced."

DRAFT RELIEF

The change in Selective Service regulations announced last weekend which suspended induction of men thirty-eight years old and over will materially aid the broadcast industry. The proportion of men in the 38-45 age group in broadcast stations is undoubtedly smaller than is found in older industries, but the relief to broadcasters will be real none-the-less.

A special analysis of the NAB Manpower Survey Question Eight, relating to "essential men," indicates the extent of the relief. In the question, the stations were asked to furnish a list of their "key" personnel, within ages 20-45, for whom they have or would file Form 42A seeking deferment as "necessary men." Six hundred stations listed some 2,488 persons as "necessary" to the operation of their stations.

Dropping the age limit to 38 removes 510 essential men, 20.5% of those so classified, from the current Selective Service lists.

The Selective Service classifications of men listed as "essential" in question eight were analyzed to reflect the change. The table below compares the percent of the 2,488 men listed in each classification:

	Old	New
Class 1A or 1B	7.3%	6.7%
Class 2A or 2B	4.7%	4.1%
Class 3A or 3B (With dependent children)	54.5%	41.2%
Class 3A or 3B (Without dependent children)	25.6%	22.2%
Class 4	5.0%	4.7%
Not Classified	2.9%	.6%
Men 38-45		20.5%
Total	100.0%	100.0%

Class 1 men and Class 3 men without dependent children, we may assume, are subject to early call. Of essential men, 32.9% were so classified. The age change drops the percentage to 28.9%. In numbers, of the 2,488 "essential men," 819 were in Class 1 or Class 3 without dependent children, but now after dropping out those over 38 years old, there are but 721.

For further information on the NAB Manpower Survey, see NAB REPORTS, November 27, 1942, Page 671 and, November 20, 1942, Page 653.

The state tabulations were sent to NAB District Directors for transmittal to State Directors of the Selective Service System Saturday, December 5, 1942. All stations cooperating with submissions of the information were sent a copy of the tabulation for the state in which the station is located.

NAB TO MOVE

On December 21, the NAB will move to its new headquarters at 1760 N Street, N.W.

The phone number will be unchanged—National 2080.

The building which has housed the NAB for the last four years has been taken over by the RFC.

The new offices are just a few doors east of Connecticut Avenue, two blocks north of the Mayflower Hotel.

Paul W. Morency of WTIC was reelected director of the First District of NAB at the close of sessions on the first day of the two-day meeting in Boston, Mass. Mr. Morency will continue in office for two more years, beginning with the end of the 1943 NAB convention.

The meeting was called to order at 10 a. m. on Wednesday, December 9, by Director Morency with 92 broadcasters, government and industry representatives in attendance. It was the largest registration in the history of meetings of the First District.

Following a review of the purpose of the meeting by Director Morency, C. E. Arney, Jr., assistant to the President, outlined the war work of NAB in the absence of President Neville Miller, who was called back to Washington following the meeting of the Second District in New York City.

During the course of the first day, the following representatives of government agencies and departments outlined the problems of the war that affect broadcasting: Carl Haverlin, Headquarters Consultant, Radio Branch, Office of War Information; Eugene Carr, Office of Censorship; Capt. Jack Harris, Radio Branch, Public Relations Bureau, Army; Lt. Commander L. R. Collier, Chief, Radio Section, Navy Public Relations Office; Capt. Wm. H. Price, District Public Relations Office, Marine Corps; James Donovan, Regional Director, Office of Civilian Defense; and George E. Shrigley, Assistant Regional Representative, USES, who spoke also for the War Manpower Commission.

At the luncheon meeting on the opening day, Neal O'Hara, widely read Boston columnist, humorist and raconteur, entertained the delegates with hilarious off-the-record observations on the life of a professional humorist.

Immediately following luncheon on the first day, Walter C. Johnson of WTIC and Lewis H. Avery of NAB outlined the retail promotion committee plan, which was enthusiastically received.

On the second day, a morning meeting for the managers was conducted simultaneously with a meeting of the sales managers, over which Kingsley F. Horton of WEEL, district chairman, presided. The managers listened to a discussion of the AFM-Petrillo problems by President Miller, who hurried from Washington to Boston to participate in the second day of the conference. At the conclusion of the morning session, the broadcasters unanimously endorsed by formal resolution the OWI allocation plan, the retail promotion committee plan and the NAB Board of Directors stand on the AFM-Petrillo situation.

At the meeting of the sales managers, Miss Linnea Nelson, time buyer for the J. Walter Thompson Company, New York office, outlined what buyers want to know. She shared the morning meeting with Dr. Robert Elder of Lever Brothers Company, who is famed for his statistical studies of broadcasting.

Luncheon on the second day featured a talk by the well-known news analyst, Irving T. McDonald, who reported on "A World At War."

The afternoon session on the second day was devoted to a further exposition of the retail promotion committee plan and to a discussion of other sales problems. This meeting was also presided over by Mr. Horton.

Those in attendance included:

Adler, Ben, RCA Mfg. Co.; Arney, C. E., Jr., NAB; Avery, Lewis, H., NAB; Armstrong, O. N., Jr., WCOP;

Atwood, Jack, WDRC; Allen, T. F., WFCI; Barrere, Claude, NBC Radio Recording; Beiber, F. E., WTHT; Berkett, Samuel, ASCAP; Bettinson, Winslow, WHEB; Blink, Milt, Standard Radio; Bloomberg, Haskell, WLLH; Bowes, F. R., WBZ; Boyle, John J., WJAR; Brackett, Q. A., WSPR; Brown, Walter, Maj., Army; Brayshaw, A. R., Press Association; Bush, W. T., WPRO; Carpenter, David, WKNE; Chandler, Vincent H., WMUR, of Censorship; Clement, Earle, WLNH; Delaney, C. G., WTHT; Decastillo, L. G., WEEI; Donahue, Robt. F., WLLH; England, Monroe B., WBRK; Feldman, Robert, WMAS; Fellows, Harold E., WEEI; Flynn, Lawrence, WMEX; Georges, Bert, WHEB; Goodwin, Harry D., WBZ; Goulden, Stanley W., RCA; Greenwood, Warren, WHAI; Guernsey, Thompson L., WLBZ; Gunther, Martin, WHEB; Hackett, Walter, Office of War Information, Boston; Harris, Jack, Capt., Army; Haverlin, Carl, OWI-BMI; Hickox, Sheldon B., Jr., NBC; Hill, E. E., WTAG; Horton, K. F., WEEI; Horter, Don, WBZ; Hurwitz, H. Y., Staff Sergeant, Marine Corps; Jackson, W. E., Westinghouse; Johnson, Walter C., WTIC; Keller, Robert S., AMP; Kelly, George F., Jr., WCSH; Kelley, Robert; Kettell, Elmer, NBC; Koster, H. W., WPRO; Krueger, H. L., WTAG; Langlois, Cy, Lang-Worth; Lasker, George, WORL; Latham, W. H., WSPR; Malo, William, WDRC; Manning, Jack, Army; Matheson, John J., WHDH; Mayo, John, AMP; Meyer, Harold H., WSR; Meyers, Milton H., WEIM; Milner, R. Howard, WBZ; Montague, P. J., WHYN; Morency, Paul W., WTIC; Morrell, Harold B., WLAW; McCray, Thomas C., WTIC; Miss McDonald, Betty, Army; Nichols, H. W., WHAI, Miss Parmer, E., WTAG; Pote, William S., WMEX; Price, Wm. H., Capt., Marine Corps; Rines, William H., WCSH; Robison, Oshley L., WORL; Rogers, Irving E., WLAW; Rosenberg, Manuel, "The Advertiser"; Sanford, Robert, WORL; Schudt, Bill, CBS; Selvin, Ben, AMP; Sherwood, Alex, Standard Radio; Shrigley, George E., War Manpower Commission, Boston; Shurtleff, David F., WFEA; Slade, George W., WBZ; Smith, Leslie F., WMUR; Spates, James, WHAI; Stanton, Mildred P., WORC; Sutherland, George, WFCI; Swan, W. Gordon, WBZ; Teskey, Warren, WEIM; Thomas, Harold, WATR; Thomas, Levon, WNAB; Thornley, Howard W., WFCI; Ward, Stanley A., Capt., Marine Corps; Weis, Pierre, Lang-Worth; Wyant, Dal, WHEB; Young, C. S., WBZ.

DISTRICT 2

The best attended meeting ever held of the Second District of NAB was called to order at 10:00 a. m. on Monday, December 7, 1942, at the Biltmore Hotel in New York City by District Director Kolin Hager of WGY. More than 125 broadcasters, government and industry representatives registered during the two-day conference.

Following the introductory remarks of Director Hager, President Neville Miller outlined the war work of NAB, with special emphasis on the problems faced by the broadcasters in the furtherance of the war effort and the war.

During the two-day meeting, talks were delivered by the following representatives of government agencies and departments directly concerned with the war: William B. Lewis, Chief, and Carl Haverlin, Headquarters Consultant, Radio Branch, Office of War Information; Lt. Col. Edward M. Kirby, Chief, Radio Branch, Public Relations Bureau, Army; Lt. Commdr. Morgan S. A. Reichner, Public Relations Office, Navy; J. K. Barnes, Office of Civilian Defense; Eugene Carr, Office of Censorship; G. Lynn Sumner, New York State War Savings Staff; Miss Adrienne Ames, The Woman's Viewpoint on War Bond Sales; and Col. Harry Wilder of WSYR, Broadcasters Train Technicians for War.

At luncheon on the opening day, John Benson, President of the American Association of Advertising Agencies, spoke on the "Solidarity of the Advertising Industry." His plea for greater cooperative effort on the part of all advertising media was thought-stimulating to the broadcasters in attendance. He was followed by Col. Lemuel Q. Stoopnagle, who disposed of his subject in the first two sentences and then proceeded to a discussion of Jokes vs. Whimsy with ample illustrations of both.

The noted news analyst, H. V. Kaltenborn, described his talk at luncheon on the second day as "Looking at the War." In the course of his tensely listened-to analysis, Mr. Kaltenborn described the development of the war since Pearl Harbor and briefly appraised the position of the United States today. In a keenly analytical discourse, following Mr. Kaltenborn, Paul West, President of the Association of National Advertisers, talked about "Facing Realities." He outlined the problems which advertisers and advertising agencies face today and recounted the work of the Advertising Council, pointing out that 64 government campaigns are now in progress.

Most of the second morning was devoted to a discussion of the AFM-Petrillo problem, led by Sidney Kaye, Counsel, and Mr. Miller. At the conclusion of that study, Charles F. Phillips of WFBL, District Chairman of the Sales Managers, and Lewis H. Avery of NAB, presented the Retail Promotion Committee Plan.

The afternoon session on the second day was devoted to a further study of the Retail Promotion Plan and to other sales problems.

At the morning meeting on the second day, the broadcasters unanimously passed resolutions endorsing the OWI Allocation Plan, the Retail Promotion Plan, the stand of the NAB Board of Directors on the AFM-Petrillo situation, and petitioning the FCC to relax regulations dealing with restricted operators.

The unusually large attendance list included:

Adams, John T., WINS; Akerberg, Herb, CBS; Allen, George, WABC; Ambrose, Warren F., Blue Network; Arney, C. E., Jr., NAB; Avery, Lewis H., NAB.

Bagley, Carol, WNEW; Barrere, Claude, NBC; Barry, Charles, WJZ; Beckwith, Arthur, AMP; Bendiner, Lawrence, 2nd Region, OCD; Bess, Herman, WNEW; Blink, Milton, Standard Radio.

Callahan, Leonard D., SESAC; Carman, H., WGBB; Carr, Eugene, Office of Censorship; Carter, Woodberry, WTRY; Chilton, Ruth, SSYR; Codel, Edward, Atlantic Coast Network; Codel, Martin, Broadcasting Magazine; Collins, J. M., ASCAP; Cook, Nathan W., WIBX.

Danzig, Jerry A., Public Relations Off., USNR; Doerr, William, Jr., WEBR; Driscoll, Richard, WBTA; Duncan, Walter, WNEW.

Egner, C. Lloyd, NBC; Erdman, F. C., ASCAP; Estes, B., WINS.

Fay, William, WHAM; Finney, C. M., Associated Music Publ.

Gantter, Raymond C., WFBL; Glick, Clifford H., WNEW; Gregory, S. D., WEAF; Gude, J. G., CBS.

Hager, Kolin, WGY; Hardke, Ruth, WSYR; Haverlin, Carl, B.M.I.; Hawkins, L. B., WNBF; Hayes, Arthur, Hull, WABC; Hickox, S. B., Jr., NBC.

Jaspert, George H., WPAT; Judas, Bernice, WNEW. Keller, Robert S., AMP; Kemble, Dorothy A., Blue Network; Kirby, Lt. Col. Edward M., PRO, War Dept.

Lambert, Bert, WNEW; Lang, Joseph, WHOM; Lee, Jack, WHAM; Levin, Harry C., O.W.I.; Lewis, Charles, 2nd Region, OCD; Long, Maury, Broadcasting Magazine; Lounsbury, I. R., WGR; Lyford, E. B., NBC.

MacDonald, Alex, WGY; Marshall, T. S., WOLF; Mason, Jay, WJTN; Mayo, John, AMP; McCloskey, E. Ray, WNBF; McNeil, John, WJZ; Middleton, B. M., WABC; Miller, Henry L., WPAT; Miller, Neville, NAB; Miller, William Burke, NBC; Moss, Kermit J., WNEW; Murphy, John T., NBC.

Novik, M. S., WNYC.

Olin, Bruff W., Jr., WKIP; Overall, John R. (Lt.), Radio Section, 3rd Naval Dist.

Paley, William, CBS; Parreca, Connie, WOV; Pettey, Herbert L., O.W.I.; Phillips, Charles F., WFBL.

Ream, J. H., CBS; Reichner, M. S. A., Lieut. Commdr., NSNR; Riple, William, WTRY; Ripley, Fred R., WSYR; Robertson, Bruce, Broadcasting Magazine; Rosenhaus, I. R., WAAT; Rowan, B. J., G. E. Co.

Schmitt, Frank M., RCA; Schudt, Bill, Jr., CBS; Seitz, Frank A., WFAS; Selvin, Ben, Associated Music Publ.; Shapiro, M. H., Radio Daily; Stewart, Elliott, WIBX; Stoopnagle, Col.

Taylor, Dale; Tompson, C. Robert, WBEN; Treacy, Jack, NBC; Trenchard, Roland, WAAT; Tompkins, M. E., B.M.I.; Turner, Oscar C., NBC; Twamley, Edgar H.

Vance, H. C., RCA-M.

Walker, Ernest; Weil, Ralph N., WOV; Weis, Pierre, Lang Worth; White, Frank K., CBS; White, Norman H., Jr., Public Relations, USMC; Wilcox, WHOM; Wilkins, D. C., WJTN; Wiig, G. O., WHEC; Wiess, Sylvia, Radio Dailey.

Adler, Ben, R.C.A.; Barnum, Jerome B., Syracuse, N. Y.; Boice, H. K., WQXR; Dale, Albert E., N.B.C.; Goulden, Stanley W., R.C.A.; Greenberg, Herman, ASCAP; Hedges, William S., N.B.C.; Lane, William T., WAGE; McKay, John, N.B.C.; Mermey, Maurice, NAB-Public Relations; Paine, John J., ASCAP; Parsons, Willis, N.B.C.; Sherwood, Alex, Standard Radio; Stanton, Frank, C.B.S.; Wood, Helen, WIBX.

Alcorn, W. C., WNBX; Black, Elizabeth, Joseph Katz Co.; Brayshaw, A. R., Press Association; Buechner, Robert, Free & Peters; Dennie, Ralph, Blue Network; Doty, Chick, Blue Network; Dundes, Jules, WABC; Eastman, Bob, Blue Network; Elbrock, Rae B., Franklin Bruck Adv. Co.; Ensell, E. Schuyler, WABC; Feltis, Hugh, Blue Network; Franco, Carlos, Young & Rubicam; Frank, Paul, Wood & Co.; Grabhorn, Murray, Blue Network; Harrison, Jerome B., WABC; Hymes, John, Lord & Thomas; Karnes, Paul H., Press Association; Kelly, James M., Radio Advertising; Kent, Alan, WJZ; Long, Maury, Broadcasting Magazine; Lyden, John M., Ted Bates Co.; Lynch, Thomas H., William Esty & Co.; Mafiecci, Lucille, J. Walter Thompson Co.; Michelson, Charles, Michelson Radio Transcriptions; Moss, Albert, Jr., Radio Advertising; Shurack, Ed, WHN; Stone, Peggy, Spot Sales; Swars, Larry, Walter P. Burns Co.; Swift, G. Richard, WABC; Thomas, Helen, Spot Broadcasting; Tolcher, Arthur, WHN; Trenner, Harry, MBS; Wallace, Donald J., McCann-Erickson; Wright, Anne, J. Walter Thompson; Young, Chet, Press Association; Young, Stanley, The Foreman Co.

DISTRICT 7

Nathan Lord of WAVE was elected to a two-year term as Director of the Seventh District of NAB at the two-day meeting in Columbus, Ohio, on December 4 and 5, 1942. Mr. Lord's term begins with the end of the 1943 NAB Convention.

The two-day conference was called to order at 10 a. m. on Friday by J. Harold Ryan of WSPD, District Director, and attended by 91 broadcasters, government and industry representatives. At the conclusion of the sessions later Saturday afternoon, it was the consensus of those present that the two-day meeting was the best ever held in the Seventh District. As one prominent broadcaster put it: "There was more useful information available to those who attended, and there was more spirited discussion among the conferees, than I have ever seen before."

Two luncheons were held on the opening day. Fifty-one members and representatives of the Ohio Association of Broadcasters met at a luncheon presided over by President Ryan of the OAB. The balance of the broadcasters, government and industry representatives attended a general luncheon presided over by President Neville Miller of the NAB.

At both luncheon meetings, Governor John W. Bricker of Ohio spoke briefly, thanking the broadcasters for the fact that, under the free American system of broadcasting, full and fair discussion of the political issues of the times are available in every nook and corner of the country. He especially stressed the impartial handling of the recent political campaign in Ohio.

During the luncheon of the OAB, the following officers were elected for the ensuing year: President, Carl Everson of WHKC; Vice-President, Robert T. Mason of WMRN; Secretary-Treasurer, Laben Smith, WCOL.

Those in attendance were the guests of the Fort Industry Company at a luncheon on the second day. Following the luncheon, Lewis H. Avery of the NAB Department of

Broadcast Advertising, spoke briefly on "Good Taste in Radio Advertising."

During the two-day conference, the following representatives of war agencies and departments spoke: Carl Haverlin, Headquarters Consultant, Radio Branch, Office of War Information; Eugene Carr, Office of Censorship; Lt. Holman Faust, Radio Officer, Navy, Great Lakes, Ill.; Ben H. Darrow, Director of Radio, Fifth Region, Office of Civilian Defense; and Major R. P. Forster, British Army Staff.

Following the sales meeting on the second morning, which was presided over by W. I. Orr of WBNS, District Chairman of the Sales Managers, Mr. Miller presented the AFM-Petrillo problem, with supporting talks by Milton Blink of Standard Radio, and Cy Langlois of Lang-Worth.

At the afternoon meeting on the second day, Mr. Miller outlined the manpower problem and explored the many difficulties which radio stations currently face under the Selective Service Act and other regulations and restrictions of government.

Resolutions, unanimously endorsing the OWI Allocation Plan, the action of the NAB Board of Directors in the AFM-Petrillo situation and the Retail Promotion Plan, were passed on the second day.

Those registered:

Avery, Lewis H., NAB; Barton, Howard, WTAM; Baylor, David M., WGAR; Beavers, Wallace, WCOL; Blink, Milton; Callaway, Harry, WHAS; Camp, Harry, WGAR; Carpenter, H. K., WHK-WCLE; Carr, Eugene; Cohen, I. T.; Cox, J. F., WAVE; Darrow, Bern H.; Davis, Warren G., WCMI; Devaney, Lt. J. P., U.S.N.R.; Dodge, Fred, WKRC; Elvin, Ralph, WLOK; Everson, Carl, WHKC; Fast, H. E., WKRC; Faust, Lt. Holman; Feldman, Samuel E.; Fields, O. E., WMAN; Flanigan, Ed, WSPD; Forster, Major R. P.; Fox, Katherine, WLW-WSAI; Garfield, Lt. J. B., U.S.N.R.; George Carl E., WGAR; Haid, Allen, WHIZ; Harkathorn, K. K., WHK-WCLE; Haverlin, Carl; Heibeck, Frank, WDOK; Higgy, R. C., WOSU; Hinkle, Felix, WHBC; Hoessly, H. H., WHKC; Hover, Fred, WFIN; Hunter, C. M., WHK-WCLE; Karnes, Paul H., AP-PA; Keller, Robert S., A.M.P.; Kennett, Robert L., WHAS; Kent, Carl H., Jr., WAKR; Kerns, J. Robert, WHIZ; Lane, C. Howard, C.B.S.; Langlois, "Cy", Lang-Worth; Laux, John, WSTV; LeGate, J. M., WHIO; Levinson, H. Y., WCAR; March, L. T., WMRN; Martin, Reggie, WIZE; Mason, Robert T., WMRN; McKelvey, G. C., WSTV; Metzger, Hal, WTAM; Miller, Neville, NAB; Morrison, Robert, WMRN; Moses, John B., WHKC; Nasman, Len, WFMJ; Orr, W. I., WBNS; Outler, John M., Jr., WSB; Palmer, Fred A., WCKY; Patt, John F., WGAR; Patterson, George, WAVE; Pettegrew, C. W., WOSU; Pixley, L. A., Fort Industry Stations; Pribble, V. H., WTOM; Patt, Ralph, WPAY; Price, Jack, WBNS; Richmond, R. W., WRRN; Ryan, J. Harold, WSPD; Sherwood, E. A.; Sherwood, Alex; Smith, L. T., WCOL; Smith, Neal A., WCOL; Spencer, Lester, WHIO; Squire, Burt; Storer, Geo. B.; Thompson, W. M.; Trace, Gene, WKBN; Treacy, Jack, N.B.C.; Tyler, A. E., WCMI; Uebel, Katharine; Williamson, W. P., Jr., WKBN; Weis, Pierre, Lang-Worth; Woolley, Easton C., N.B.C.; Wilson, Bob, WADC; Williams, Tod, WSPD; Woodyard, Ronald B., WING; Bebout, George L., WFMJ; Callahan, Walter A., WSAI; Cummings, Donald S., WBNS; Davis, Walter L., WRRN; Doty, Jack, WCOL; Jones, Frank N., WCOL; Martin, Paul, WCOL; Woody, R. H., WHIO.

DISTRICT 8

The following were registered at the District 8 meeting:

J. J. Flanigan, WIBC; Ben H. Darrow, Civilian Defense, Cleveland; Miss Helen Kennedy, Radio Director, Kroger Grocery & Baking Co., Cincinnati; Rex Schepp, WIRE; C. E. Schindler, WGRC; David Wilburn, WGRC; Lt. John T. Barnett, USNR, Public Relations, Indianapolis; Lt. Holman Faust, 9th Naval District Radio Officer, Indianapolis; Gene Faughn, WFBM; C. Bruce McConnell, WISH; R. E. Bausman, WISH; I. T. Cohen, ASCAP;

Samuel E. Feldman, ASCAP; Eldon Campbell, WOWO; Steve Conley, WOWO; H. G. Wall, WIBC; Miss Blanche Young, Director of Radio, Indianapolis Public Schools; Burt Squire, SESAC; Howard Loeb, WFDF; Paul H. Karnes, Press Association; John E. Fetzer, WKZO; Eugene Carr, Office of Censorship; "Cy" Langlois, Lang-Worth; Pierre Weis, Lang-Worth; Porter Smith, WGRC; Harmon L. Stevens, WHLS; H. M. Bitner, WFBM; William F. Kiley, WFBM; Robert S. Keller, AMP; Louis P. Hutchinson, OWI; Robert LaBlonde, OWI; C. Howard Lane, CBS; Grant F. Ashbacher, WKBZ; W. C. Wester, WKBZ; Owen F. Uridge, WJR; Leo Fitzpatrick, WJR; M. H. Latour, Air Raid Warning System, Chicago; Lt. Fred A. Chastain, Air Raid Precaution Officer, Chicago; 3rd Officer Ruth W. Morton, WAAC, Fort Des Moines; Milton Blink, Standard Radio; Charles Lee Harris, WGRC; Frank O. Sharp, WFBM; Vincent McMahan, Press Association; O. J. Kelchner, WIBC; Easton C. Wooley, NBC; Neville Miller, NAB; John W. O'Harrow, WKZO; Dan Jayne, WELL; Eugene C. Pulliam, WIRE; George M. Jackson, WBOW; Jack Tracy, NBC-Thesaurus; Lewis H. Avery, NAB; Carl Haverlin, BMI-OWI; Colonel Robinson Hitchcock, State Director, Selective Service, Indianapolis.

PAMPHLET REVISED

"The Wage and Hour Act: How It Affects a Broadcasting Station," popular publication of the NAB Labor Relations Department, has been thoroughly revised in a third edition and will soon be mailed to all members.

The revised edition includes a supplementary section on salary stabilization.

BONUSES

The WLB and the Treasury have differing regulations on bonuses.

The WLB regulations concern only those employees who make \$5,000 a year or less, with the exception of unorganized executive, administrative and professional employees.

The Treasury regulations concern only those employees who make more than \$5,000 a year and unorganized executive, administrative and professional employees.

The WLB says that any bonuses of the same size or smaller as previously established, or based on any formula previously established need no approval to be paid.

The Treasury says that any bonuses of the same size or smaller as previously established, or based on a percentage of the employee's salary previously established need no approval to be paid.

VICTORY TAX

A question has been raised under the new Victory Tax as to whether the 5 percent tax should be withheld from amounts paid occasional talent in cases where the employer station has no means of knowing whether their total earnings for the year will amount to the specific exemption of \$624.

The NAB understands that the Bureau of Internal Revenue will seek to apply the same rules as to the employer-employee relationship in such cases as are applied in the case of Social Security payments. Such talent are treated as employees for Social Security purposes. In the opinion of NAB tax counsel, their compensation does not fall under the heading of professional fees and therefore their compensation is subject to withholding.

While there is a specific exemption of \$624 for Victory Tax purposes, the obligation to withhold is not based on ability to predict whether a total compensation in excess of \$624 will be paid the employee in the taxable year. An individual might work for several employers during a year, for example, and receive less than \$624 from each.

Nevertheless, withholding is necessary if compensation for the pay period is at a rate in excess of \$624 per year. If the employee is paid on a weekly basis, the statute requires withholding on his compensation for the week in excess of \$12 (Section 466(b)(1) of the Internal Revenue Code). In the case of biweekly pay, the exempt amount is \$24; semi-monthly, \$26; monthly, \$52; quarterly, \$156; semi-annually, \$312; annually, \$624.

ENLISTMENT STATUS NOT CLEAR

As of December 10, the exact status of enlistments in the military forces is not sufficiently clear in detail for the issuance of a statement.

This week's mailing of recruiting announcements is being limited to a single folio which is devoted to the enlistment of WAACS.

MORE RADIO CLASSES IN CONN.

Franklin M. Doolittle, president, WDRC, Hartford, and industry representative, ESMWT-NAB Radio Technician Training program in Connecticut, has arranged for new courses in several cities.

NEW HAVEN AND WATERBURY. Classes were started during October, with completion set for early spring, 1943.

BRIDGEPORT AND STAMFORD. Fall classes started about November. Completion in spring.

HARTFORD. Present students in Radio I and II complete their work next week. New courses begin shortly after January 1, 1943. Estimated number of students for the first quarter classes of the new year are: Sixty (60) in Fundamentals of Radio I and thirty (30) in Radio II.

Dean J. H. Lampe, of the University of Connecticut, course coordinator, works closely with Mr. Doolittle.

These courses are financed with federal funds. They have proven their worth; and many graduates are employed at broadcast stations.

Similar courses may be established in every state. The initial step is to point out industry needs for these men to the ESMWT Institutional Representative of an engineering school or to the Dean of Engineering at such school. Proposals are then sent to the U. S. Office of Education, Washington, for approval.

RADIO AT STATE TEACHERS COLLEGE

Professor J. W. White, Director of the Department of Physics, State Teachers College, Platteville, Wisconsin, is teaching ESMWT-NAB "Fundamentals of Radio."

Recently NAB sent Professor White additional copies of the course outline.

CAPT. McCAHILL AT SAN DIEGO

Captain William P. McCahill, USMC, has been confirmed in his assignment as Public Relations Officer, San Diego, Cal.

Captain McCahill was formerly stationed in Washington, at Marine Corps headquarters, serving under Brigadier General Robert L. Denig. For a good many months Captain "Bill" was contact with NAB headquarters.

AMATEURS HELP BROADCASTERS

Cooperating with NAB, American Radio Relay League has appealed to its members, through its magazine, "QST," to submit lists of transmitter tubes for sale to broadcast stations.

The Swap Bulletin, dated Dec. 11, 1942, includes the

first offering of such tubes from amateurs. Additional tubes will be listed as they come in. Other pages of items in the Swap Bulletin list the "Will Buys" and "Will Sells" from stations.

STATIONS AID IN SERVICE PROBLEM

Stations listed below are among those which have reported cooperation in the campaign to educate the public to bring their radio sets to servicemen for repairs. This permits servicemen to spend all of their time working; saves time they used to spend going after sets.

When the tubes and parts inventory in the hands of radio repairmen increases, we can get more aggressive. Tactics to follow through this period are those of conservation. We can attack when the parts and tubes ammunition is sufficient for needs. And this problem, as reported previously, has the attention of WPB.

Stations are urged to rotate repairmen spots on the basis of one a day. No more are required now.

KWIL, Albany, Ore.; WITH, Baltimore; KBKR, Baker; KWON, Bartlesville; KIDO, Boise; WHDF, Calumet-Houghton; KSUB, Cedar City; WSOC, Charlotte; WCHV, Charlottesville; WCPO, Cincinnati; WTAW, College Station, Texas; WCOS, Columbia; WRBL, Columbus, Ga.; WCOL, Columbus, Ohio; WHKC, Columbus, Ohio; WTBO, Cumberland; WBLJ, Dalton; WDAD, Danville, Ill.; KWLC, Decorah; WPOE, Denver; WDTL, Dubuque; WTMV, East St. Louis, Ill.; WTSM, El Paso; KORE, Eugene; KFPW, Fort Smith; KFRE, Fresno; KMJ, Fresno; KLUF, Galveston; KIUL, Garden City; KFXJ, Grand Junction; WHLN, Harlan; WJOC, Johnstown; KCKN, Kansas City, Kans.; KDCA, Kilgore; WKMO, Kokomo; WKBH, LaCrosse; KARK, Little Rock; KFOX, Long Beach; WAVE, Louisville; WKAT, Miami Beach; WCOV, Montgomery; KBIX, Muskogee; WDSU, New Orleans; WEVD, New York City; KGNF, North Platte; KOCY, Oklahoma City; WWPG, Palm Beach-Lake Worth; WDLF, Panama City; KWKW, Pasadena; WMBD, Peoria; KSEI, Pocatello; KEX, Portland, Ore.; WHED, Portsmouth; KOBH, Rapid City; WEEU, Reading; WRNL, Richmond, Va.; KONO, San Antonio; KFXM, San Bernardino; KGO, San Francisco; KSRO, Santa Rosa; KWYO, Sheridan; KWKH, Shreveport; KTBS, Shreveport; KFPY, Spokane; WIZE, Springfield, Ohio; KTUL, Tulsa; KVAN, Vancouver; WHLB, Virginia; WBRY, Waterbury; KXEL, Waterloo; WWNY, Watertown; WAYX, Waycross; WWVA, Wheeling; WNAX, Yankton.

A THOUGHT FOR THE WEEK

WINNIPEG, Dec. 9 (U.P.)—Fascism in Canada "is here to stay" unless the Canadian Government's monopoly over radio is broken, Arthur Meighen, retiring leader of the Conservative party, told its convention here today.

Mr. Meighen's attack against the government-controlled Canadian Broadcasting Corporation was based upon the corporation's refusal to broadcast convention speeches. He said that C. B. C. uses its network to broadcast its own propaganda, and added, "parliamentary government in this Dominion is but a memory."

At the opening of the convention, Conservative House Leader R. B. Hanson assailed Prime Minister W. L. Mackenzie King.

FEDERAL COMMUNICATIONS COMMISSION

FLY DISCUSSES TAXES

It has been reported (but not confirmed) that the Bureau of Internal Revenue is drawing up an amendment to the

tax law whereby radio stations may deduct as business expenses the time which they devote to war bond sales and various Government announcements. FCC Chairman James Lawrence Fly, at his press conference on Monday, was asked his opinion of this and he said he thought it would be a break for the stations.

"I don't want to be taken as advocating any position on the revenue measures. That's a matter for the Bureau and Treasury rather than for me," he said.

Chairman Fly reiterated what he had said at a previous press conference that he considered the small station problem a serious matter.

"I don't say whether we are going to keep these stations on the air, but as to how. I am thinking in particular of the smaller stations and particularly the stations in the small cities where they are dependent upon local radio business which is drying up to a great extent and where they fail to get the institutional advertising that is still predominant in network and large city broadcasting business.

"It just happens that many of those stations are the most essential stations because they are the only means that the Government has of reaching the people in those communities, to say at least, the most adequate means the Government has of reaching those people, and to a certain extent the only means, and in most of the cases, at least the only radio stations which can be relied upon to reach the people and in turn the people of those communities are mighty dependent upon those stations and I should think that some way ought to be worked out to enable those stations to stay on the air and perform that very essential service to the people and the Government. I have no assurance as to how it should be done, whether by loan or by the payment of programs and through tax measures if that be possible, I don't know."

Mr. Fly in answer to the question of payment for government programs said that might be one possibility. He said that loans to the stations are possible but "I am reluctant to see the Government get any sort of stake in private broadcasting. I should think if it could be handled on some other basis it would be better, but I do think serious attention must be given to that problem promptly."

The chairman said that in his opinion the tax measures would not be comprehensive enough to take care of the problem. Mr. Fly stressed particularly at the conference that he was thinking in terms of small towns and the most pressing problem comes in the smaller town pretty well isolated which has one radio station. "I would not limit this consideration to that class," he said, "but it is acute from the standpoint of public need and from the standpoint of Government need."

FCC RULES AND REGULATIONS

The FCC has taken the following action on its rules and regulations:

Adopted Order No. 77-B, suspending from January 1, 1943, until further order of the Commission, but in no event beyond January 1, 1944, Sections 12.26, 12.66 of the Rules Governing Amateur Radio Service and Section 13.28 of the Rules Governing Commercial Radio Operators, in so far as the required showing of service in connection with renewal of license is concerned. This Order continues in effect the provisions of Order No. 77-A, issued December 3, 1941 to expire not later than January 1, 1943.

Amended Section 61.33 of its Rules and Regulations governing Tariffs, so as to require the carriers to give information in the letter of transmittal with respect to the reasons for all changes in charges or regulations and, in the case of an increase in charges, the facts upon which the carrier relies in justification thereof.

Amended Part 10 of the Rules Governing Emergency Radio Services:

(a) Section 10.41 State and municipal police stations (frequencies below 2500 kilocycles)—The amend-

ment does not change the frequencies available or the method of assignment to state and municipal police stations. Power authorizations for municipal police stations operating on frequencies below 2500 kilocycles will continue to be based on the official population figures of the Department of Commerce in accordance with the present table in Section 10.121. The maximum power normally to be assigned to state police stations operating on these frequencies will be limited to 500 watts. Authorizations for both state and municipal police stations involving the use of power in excess of that specified would be granted only on the basis of a showing of need made by the applicant.

(b) *Section 10.12—State and municipal police stations (30000 to 40000 kilocycles)*—The amendment does not alter the present allocation of frequencies or the assignment of frequencies to the various classes of stations. The amended rule normally establishes a maximum power of 250 watts. Power in excess of the 250 watt limitation may be granted only on the basis of a showing of need submitted by the applicant.

(c) *Section 10.122* permits municipal and state police stations to communicate with Government stations, stations in the War Emergency Radio Service, or with other stations which are authorized to communicate with municipal and state police stations.

(d) *Section 10.123 Coordinated service*—The amendment does not change the present licensing procedure but clarifies the agreements that must be submitted with the application for an instrument of authorization in those cases where it is proposed to render a coordinated communication service.

CODE COMMITTEE TO MEET

The NAB Code Compliance Committee will meet for a two-day session Monday and Tuesday at the Hotel Mayflower, Washington. Principal topic of discussion will be the refusal of CBS and NBC to sell time to The Cooperative League of the U. S. A. on the grounds that the league sought to buy time for the discussion of a controversial public issue. Representatives of the League and the two networks will be heard by the committee Monday afternoon.

FDR BIRTHDAY BALLS

Neville Miller has accepted the radio chairmanship for this winter's President's Birthday celebration. Basil O'Connor, president of the National Foundation for Infantile Paralysis, invited Mr. Miller to take this position which he has held during the last several winters.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, December 14. They are subject to change.

Monday, December 14

W55NY—William G. H. Finch, New York, N. Y.—Modification of C. P., 45500 kc., 8,500 sq. mi., unlimited.

Tuesday, December 15

KOBH—Black Hills Broadcasting Co. of Rapid City, Rapid City, S. Dak.—C. P., 610 kc., 5 KW, unlimited, DA-night and day.

Consolidated Hearing

WALB—Herald Publishing Co., Albany, Ga.—Renewal of license, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co. (Assignor); Albany Herald Broadcasting Co. (Assignee); Albany, Ga.—Voluntary assignment of license station WALB, 1590 kc., 1 KW, DA-night, unlimited.

WALB—Herald Publishing Co., Albany, Ga.—C. P., 1550 kc., 1 KW, DA-night, unlimited.

Wednesday, December 16

Further Consolidated Hearing

NEW—R. O. Hardin and J. C. Buchanan, d/b as Nashville Broadcasting Co., Nashville, Tenn.—C. P., 1240 kc., 250 watts, unlimited; facilities WXIX when vacated.

NEW—Tennessee Radio Corporation, Nashville, Tenn.—C. P., 1240 kc., 250 watts, unlimited.

WORK—York Broadcasting Co., York, Penna.—Modification of C. P., 1350 kc., 1 KW, DA-night, unlimited.

WHKC—United Broadcasting Co., Columbus, Ohio.—C. P., 610 kc., 1 KW, DA-night, unlimited.

Thursday, December 17

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—C. P., 1330 kc., 5 KW, unlimited, DA-night.

Friday, December 18

WCSH—Congress Square Hotel Co., Portland, Maine.—C. P., 970 kc., 5 KW, unlimited, DA-night and day.

WRDO—WRDO, Incorporated, Augusta, Maine.—C. P., 1400 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATION GRANTED

W6XYZ—Television Productions, Inc., Los Angeles, Calif.—Granted modification of construction permit (B5-MPVB-87) to change type designation of the aural and visual transmitters, change aural emission, change power rating of the visual transmitter, change antenna system, and extend completion date of construction to March 15, 1943.

DESIGNATED FOR HEARING

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Designated for hearing application for construction permit (B4-PEX-39) to install a new transmitter and increase power to 3 KW.

Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Designated for hearing application for construction permit (B1-PH-29) for new station to operate on 46100 kc., with a service area of 10,000 square miles.

MISCELLANEOUS

WNYE—Board of Education, City of New York, Brooklyn, N. Y.—Granted license (B1-LED-8) to cover construction permit (B1-PED-18), which authorized changes in equipment, frequency 42100 kc., power 1000 watts, and special emission for FM with maximum frequency swing of 75 kc.

W9XBB—Balaban & Katz Corp., Portable-Mobile, area of Chicago.—Granted license (B4-LVB-36) to cover construction permit (B4-PVB-78), which authorized new experimental television broadcast station; frequencies 38400-39600 kc., 10 watts, on an experimental basis only, conditionally.

WMIS—Natchez Broadcasting Co., Natchez, Miss.—Denied petition for review of action of the Motions Commissioner of November 18, denying the motion for continuance and severance in re their applications for renewal of licenses.

WBRY—American Republican, Inc., Waterbury, Conn.—Granted license to cover construction permit which authorized move of transmitter (B1-L-1727); granted authority to determine operating power by direct measurement of antenna power (B1-Z-1466).

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted motion requesting postponement of hearing now scheduled for December 9 to January 8, 1943, in re application for modification of license.

Granted application of WJW, Inc. (WJW), Akron, Ohio, for modification of construction permit (B2-P-3263, as modified, for change in operation from 1240 to 850 kilocycles, increase power from 250 watts to 5 kilowatts, unlimited time, with directional antenna for day and night use), to change location of the transmitter from East side of Akron-Boston Mills Road, Northampton Township, to northwest of the intersection of Ohio State Highway No. 94 and Walling Road, Cuyahoga County, Ohio. The studios will also be moved as a result of the grant from Akron to Cleveland, and the type of the transmitter changed. The commencement and completion dates of the construction have been extended from August 15, 1942 and January 13, 1943, to 60 days after grant and 180 days thereafter, respectively, on the express conditions that (a) the towers associated with this station shall be marked in accordance with Section 303(q) of the Communications Act; (b) that no interference will be caused to Canadian Station CFRB, Toronto, Ontario, contrary to the provisions of North American Regional Broadcasting Agreement; (c) that the nuisance contour of CFRB shall be determined by measurements, and no construction shall take place until such measurements have been submitted and approved; and (d) subject to submission of proof of performance.

Denied the petition for rehearing filed February 9, 1942, by National Broadcasting Co., Inc., directed against the action of the Commission on January 20, 1942, granting without hearing the application B2-P-3263 of WJW to change frequency from 1240 to 850 kilocycles, increase power from 250 watts to 5 kilowatts and install directional antenna. However, the denial was without prejudice to the filing by National Broadcasting Co., Inc., of a new petition for rehearing directed against the grant to WJW as modified by the above action.

Approved a power of attorney for the affairs of licensee J. P. Beard to be handled by his wife, Veda Beard, during his service in the armed forces of the United States. J. P. Beard is the owner and licensee of Station KBTM, Jonesboro, Ark.

WIBA—Badger Broadcasting Co., Madison, Wis.—Granted petition to intervene in hearing on application of Capitol Broadcasting Corp. (WISH), Indianapolis, Ind., for construction permit to operate on 1310 kc., 5 KW, unlimited time, directional antenna at night (Docket 6444).

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Passed for one week action on petition for leave to intervene in hearing on Delta Broadcasting Co., Inc. (WQBC), Vicksburg, Miss., for modification of license to operate on 1470 kc., 500 watts night, 1 KW day, unlimited (Docket 6166).

WALB—Herald Publishing Co., Albany, Ga., Albany Herald Broadcasting Co., Albany, Ga.—Denied petition to hold hearing in Albany, Ga., on applications of WALB for renewal of license and for construction permit to operate on 1550 kc., 1 KW, directional antenna night, unlimited time, and application of Herald Publishing Co., assignor, and Albany Herald Broadcasting Co., assignee, for voluntary assignment of license of Station WALB; said petition was denied without prejudice to the filing of a petition for the taking of depositions of additional witnesses who may be unable to attend the hearing in Washington (Dockets 6398, 6399, 6400).

WORK—York Broadcasting Co., York, Pa.—Granted petition to continue hearing now set for December 16 until January 22, 1943, in re application for modification of construction permit to operate on 1350 kc., 1 KW, directional antenna night, unlimited (Docket 6368)

W55NY—William G. H. Finch, New York, N. Y.—Granted motion for continuance of hearing from December 14, 1942, until January 28, 1943, in re application for modification of construction permit (Docket 6363).

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted motion for postponement of hearing from December 17, 1942, until January 26, 1943, on application for construction permit to operate on 1330 kc., 5 KW, unlimited, directional antenna at night (Docket 6440).

Tennessee Radio Corp., Nashville, Tenn.—Granted petition for continuance of hearing now set for December 16, 1942, until February 15, 1943, in re applications of R. O. Hardin and J. C. Buchanan, d/b as Nashville Broadcasting Co.,

and Tennessee Radio Corp., for construction permits for new stations at Nashville, Tenn. (Dockets 6191 and 6193).

APPLICATIONS FILED AT FCC

570 Kilocycles

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-2547 as modified, which authorized increase in power, installation of new transmitter and directional antenna for night use and change in hours of operation) for extension of completion date from 12-31-42 to 4-1-43.

600 Kilocycles

WCAO—The Monumental Radio Co., Baltimore, Md.—License to use formerly licensed RCA 1-D-B transmitter as an auxiliary with power of 500 watts night and 1 KW daytime.

WCAO—The Monumental Radio Co., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power of auxiliary transmitter.

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Modification of construction permit (B1-P-2868 as modified), which authorized increase in power, installation of new equipment and directional antenna for day and night use, for extension of completion date from 12-11-42 to 6-11-43.

680 Kilocycles

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Modification of construction permit (B4-P-2477 as modified), which authorized installation of new transmitter, increase in power, change hours of operation, move transmitter and directional antenna for use day and night, for changes in directional antenna (daytime pattern only) and extension of completion date from 11-30-42 to 30 days after date of grant.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—License to cover construction permit (B4-P-2477 as modified), which authorized installation of new transmitter and directional antenna for day and night use, increase power, change in hours of operation and move transmitter.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Authority to determine operating power by direct measurement of antenna power.

740 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Texas.—License to cover construction permit (B3-P-3011 as modified), which authorized change in frequency, increase in power, move of transmitter and installation of directional antenna for day and night use.

KTRH—KTRH Broadcast Co., Houston, Texas.—Authority to determine operating power by direct measurement of antenna power.

960 Kilocycles

KMA—May Broadcasting Co., Shenandoah, Iowa.—Modification of construction permit (B4-P-2599), which authorized installation of directional antenna for night use and increase in power, for extension of completion date from 12-24-42 to 2-22-43.

WSBT—The South Bend Tribune, South Bend, Ind.—License to use present licensed auxiliary transmitter as the main transmitter.

WSBT—The South Bend Tribune, South Bend, Ind.—License to use present licensed main transmitter as auxiliary transmitter.

1110 Kilocycles

WMBI—Moody Bible Institute of Chicago, Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

1320 Kilocycles

KXYZ—Harris County Broadcast Co., Houston, Tex.—License to cover construction permit (B3-P-3016 as modified),

which authorized change in frequency, increase in power, move of transmitter, installation of new transmitter and directional antenna for night use.

KXYZ—Harris County Broadcast Co., Houston, Texas.—Authority to determine operating power by direct measurement of antenna power.

1390 Kilocycles

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—License to cover construction permit (B5-P-3096 as modified) for new equipment, increase in power, installation of directional antenna for night use and move of transmitter.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Authority to determine operating power by direct measurement of antenna power.

1400 Kilocycles

KVGB—Helen Townsley, Great Bend, Kansas.—Voluntary assignment of license from Helen Townsley to KVGB, Inc.

1440 Kilocycles

WAAB—The Yankee Network, Inc., Worcester, Mass.—License to cover construction permit (B1-P-3194 as modified), which authorized move of transmitter and studio, increase in power and installation of new transmitter and directional antenna for day and night use.

WAAB—The Yankee Network, Inc., Worcester, Mass.—Authority to determine operating power by direct measurement of antenna power.

1480 Kilocycles

WRDW—Augusta Broadcasting Co., Augusta, Ga.—License to cover construction permit (B3-P-2966 as modified), which authorized change in frequency, increase in power, installation of new transmitter and directional antenna for night use and move of transmitter.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATION

W57PH—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—License to cover construction permit (B2-PH-65 as modified, which authorized new high frequency broadcast station) *in part*.

TELEVISION APPLICATION

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for new experimental television broadcast station, using facilities of commercial television station WBKB. Frequency: Channel No. 2, 60000-66000 kc.; power: aural, 2 KW; visual, 4 KW. Emission A5, special for FM for aural.

MISCELLANEOUS APPLICATION

KALO—Intermountain Broadcasting Corp., area of Salt Lake City, Utah.—Modification of license to increase power from 75 watts to 100 watts of relay station.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an

opportunity to show cause why a cease and desist order should not be issued against it.

United Inheritance Bureau, and Guardian Service Bureau, 1278 Jefferson Ave., Buffalo, N. Y., selling and distributing envelopes and form letters in the nature of questionnaires designed to be used by creditors and collection agencies in obtaining information concerning debtors, is charged in a complaint with the use of unfair and deceptive acts and practices in commerce. (4874)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Brunswick-Balke-Collender Co., 629 South Wabash Ave., Chicago, manufacturer and distributor of bowling equipment and other merchandise, has been ordered to cease and desist from unfair acts and practices in commerce having the effect of lessening competition and tending to create a monopoly in bowling pins and bowling supplies. (3604)

Marvel Laboratories, 1205 Market St., Louisville, Ky., manufacturing and selling a product designated "Marvel Coal-Pep," advertised as a treatment for coal, have been ordered to cease and desist from misrepresentation of the qualities of the product. (4838)

New York Handkerchief Manufacturing Co., 1021 West Adams St., Chicago, manufacturer and distributor of handkerchiefs, has been ordered to cease and desist from misrepresentations of its products. (4727)

Wire Rope & Strand Mfg. Assn., et al.—Fifteen manufacturers of nonpatented wire rope, together with the association of which they are, or have been, members, have been ordered to cease and desist from entering into or continuing any combination or conspiracy to fix prices for their products, which are made in many sizes varying from that used for airplane control wire to cables employed in supporting suspension bridges.

The respondent member companies manufacture and sell approximately 85 percent of all the wire rope produced in the United States, and, according to the Commission's findings, to the extent that they act collusively in the pricing and distribution of their product, they are in a position to dictate and control the prices at which it must be purchased by distributors, dealers and users, including Federal, State and municipal agencies.

Respondents named in the order are:

The Wire Rope & Strand Manufacturers Association, Inc., Washington, D. C.; American Chain and Cable Company, Inc., New York; The American Steel and Wire Company of New Jersey, Cleveland; Broderick & Bascom Rope Co., St. Louis; Columbia Steel Company, San Francisco; E. H. Edwards Company, San Francisco; A. Leschen & Sons Rope Company, St. Louis; MacWhyte Company, Kenosha, Wis.; Pacific Wire Rope Co., Los Angeles; Rochester Ropes, Inc., Jamaica, Long Island, N. Y.; John A. Roebing's Sons Co., Trenton, N. J.; Union Wire Rope Corp., Kansas City, Mo.; The Upson-Walton Company, Cleveland; Wickwire Spencer Steel Company, New York; Wire Rope Corporation of America, Inc., New Haven, Conn., and Wire Rope Manufacturing & Equipment Company, Seattle. (4443)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Burton-Dixie Corp., 2024 South Racine Ave., Chicago; also maintaining factories in Brooklyn and Lansing, Mich., and operating a large number of warehouses throughout the country, and engaged in the manufacture and sale of mattresses and other merchandise, has stipulated to cease and desist from the use, or from supplying to others for their use, advertisements or printed matter

containing any statement or representation tending to convey the belief to purchasers that its products, equipped with either of the so-called "Posturite" or "Ortho-Flex" units, are of such construction, scientific or otherwise, as to insure correct posture during sleep to all who use them; and from stating or representing that insomnia and other serious disorders are caused by faulty mattresses, that faulty mattresses interfere with the functioning of the sleeper's organs or that healthful sleep is not possible on a soft mattress. (3569)

Co-Operative Breeding and Hatching Co., Shelby, Ohio, selling and distributing chicks, has stipulated to cease representing that chicks sold by them have the strain of prize-winning or champion poultry or are of "Championship" caliber unless, in direct connection with any such representation, truthful disclosure be made that such chicks are related to and of the strain of losing as well as winning contest entrants; and to discontinue use of the statements "Pay Streak AAA Mating Barred Rocks are headed by males that are sons of pedigreed sires whose dams have records of 250 to 293 eggs," "One contest pen of Pay Streak S. C. Reds established the remarkable record of 248 eggs per hen for 10 hens," and "Pay Streak has had TWO National Laying Champions, including all breeds and all contests," or any other statement or representation of like meaning, the effect of which may tend to convey an erroneous belief or impression with respect to the laying or other records of poultry. (3571)

Gramercy Chemical Co., Inc., 161 Ashland Place, Brooklyn, and Andrew Borak, trading as The Roxola Co., at the same address, both engaged in the sale and distribution of a medicinal preparation designated "Zdroj" purportedly for use as a "Herbal-Bitter Tonic," have stipulated in connection with the advertising and sale of the product to cease and desist from representing by use of the statements "helps digestion," "beneficial in digestive

disorders," "recommended by doctors for digestion" or any other statement of similar import that the preparation has a favorable influence on the digestive processes; representing that the preparation constitutes a competent treatment for debilities of the stomach or liver; that it exerts a stimulating effect upon the secretory glands of the body; that it exerts a tonic effect when used as directed; or that it has any therapeutic effect except as a temporary laxative for the relief of constipation. (3570)

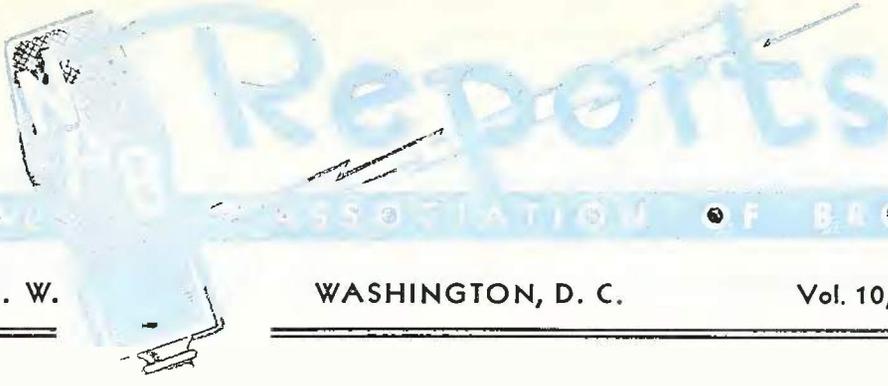
M. M. Kronisch, 315 Seventh Ave., New York, selling and distributing fur garments, has stipulated to cease and desist from representing that the prices at which he sells or offers to sell his merchandise to the public are wholesale prices; and from the use of any method or device—such as the acceptance of introduction cards requesting that the person introduced be sold merchandise at "wholesale prices"—the effect of which may tend to convey the belief that he sells merchandise to any preferred consumer customer or customers or to the consuming public generally at wholesale prices. (3568)

Richard Best Pencil Co., Inc., Irvington, N. J., manufacturing and selling lead pencils under the brand name "Futura," has entered into a stipulation to cease use of the statements that its pencil "lasts three times as long as the best of competitive pencils" or "actually runs 3.8 times longer than the next best." (3572)

FTC CASE CLOSED

The Federal Trade Commission has dismissed its complaint against New Century Beverage Co., 820 Pacific Ave., San Francisco.

The complaint had alleged that the respondent had misrepresented the qualities of a carbonated water produced by it.



NAB HEADQUARTERS MOVED

To facilitate reply, all future correspondence should be addressed to the Association at 1760 N Street, N. W. Western Union telegrams should be addressed to the Association, WUX, Washington; telegrams over other systems, at the address above given. The telephone number is NATIONAL 2080.

assistant secretary; John Carson, Washington representative; Robert L. Smith, educational director of the Eastern Co-operative League. The Code Committee members in attendance were: Earl J. Glade, chairman, KSL, Salt Lake City; Grant Ashbacker, WKBZ, Muskegon, Michigan; Jan Schimek, Columbia Broadcasting System, New York; Lee B. Wailes, KYW, Philadelphia; William S. Hedges, National Broadcasting Company, New York; Neville Miller, president, National Association of Broadcasters; Russell P. Place, NAB counsel and secretary to the Code Committee.

ASTROLOGERS

The Code Committee on Tuesday considered the problem of astrologers on the air which is to some extent again plaguing the industry. Although no action was taken by the Committee, it was the sense of the meeting that stations should exercise extreme care not to allow these people access to the air on paid time in violation of Item No. 3 of the NAB Standards of Good Taste.

CRITICAL OCCUPATIONS

War Manpower Commission is in the process of revising the list of critical occupations in the communications industry appearing in Occupational Bulletin No. 27 (see NAB Selective Service Handbook, Supplement No. 1). It is believed that the list of titles in the broadcasting industry will be expanded to include critical occupations not now listed, and that the new list will be released in a matter of days.

QUESTIONS AND ANSWERS ON SELECTIVE SERVICE

Here, in question and answer form, are the major facts about Selective Service, collected by the Office of War Information from the Bureau of Selective Service of the War Manpower Commission and the Army and Navy Departments, as released last Sunday by OWI. An attempt has been made to touch on most of the many questions raised, but it should be recognized that some basic information, particularly that dealing with future plans, would be useful to the enemy and cannot be released.

All arrangements and rulings under Selective Service are made for the purpose of obtaining the men the military forces need with the least dislocation of vital industry and agriculture. They are therefore subject to the conditions of war. Changes may be necessary from time

(Continued on page 710)

"The length of commercial copy and character of such program should conform to the provisions of the NAB Code.

"Any discussion of the co-operative movement as such or as an economic system is properly confined to sustaining time which may be given by stations or networks in accordance with the public interest."

The Code Committee also stated:

"In respect to any program offered by the Co-operative League of the U. S. A., we suggest that such program be presented as having been produced by the Co-operative League of the U. S. A. on behalf of specific member co-operatives engaged in the sale or distribution of goods or services."

Representing the Co-operative League of the U. S. A. at the conferences were: Murray D. Lincoln, president; E. R. Bowen, executive secretary; Wallace J. Campbell,

MERRY CHRISTMAS



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Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Lewis H. Avery, *Director of Broadcast Advertising*; Howard Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Arthur C. Stringer, *Director of Promotion*.

QUESTIONS AND ANSWERS ON SELECTIVE SERVICE

(Continued from page 709)

to time. The answers given in the following pages are correct as of the date of this release. They do not constitute a binding assurance for the future.

Q. Now that voluntary recruiting by the Army and Navy has been stopped, can anyone get into the armed forces except through Selective Service?

A. No, except for women who will continue to be recruited for the WAACS, WAVES, SPARS, and Army and Navy Nurses' Corps, and a small number of civilians who may be commissioned in the armed forces. The Army and Navy may enlist specially qualified men over 38. Men who submitted applications for Army or Navy enlistment prior to December 5, 1942, may be enlisted up to December 15. In a "stopgap" move to fill the manpower needs of the Navy, Marine Corps and Coast Guard, the War Manpower Commission Tuesday authorized local draft boards to accept volunteers for the three service branches until February 1.

In granting the authorization, Manpower Chairman Paul V. McNutt instructed the boards not to allow men engaged in essential work to enlist. None of the service branches may conduct drives to step up enlistments, he said.

Under the temporary arrangement, draft boards will get credit under their quotas for all enlistments.

The prospective recruit will be required to go to his local draft board, fill out certain forms, obtain draft board approval and take the approved forms to a recruiting station. No application for enlistment may be considered unless the proper forms are presented.

In this way, McNutt hopes to prevent enlistments from interfering with the essential war operations while a permanent quota plan for all the services is being devised. This he hopes to complete by February 1.

Men who have already received notices to report for induction into the Army may not enlist in the other services.

Q. How many will be called through Selective Service this year?

A. The full answer to this is military information. The calls are made on a month-to-month basis, with the Selective Service being notified about two months in advance of the needs of the armed services. The President's recent executive order directs that the Secretaries of War and Navy shall, after consulting with the War Manpower Commission Chairman, determine the number to be selected. Official estimates have been made that the total armed forces (not including officers) will be increased from approximately 5,500,000 now to 9,700,000 by the end of 1943 (7,500,000 Army, 1,500,000 Navy, 400,000 Marines, and 300,000 Coast Guards), indicating a mini-

um need of 4,200,000 during 1943—an average of 350,000 a month, without reference to replacements.

Q. When will the 18- and 19-year-olds, who are being registered starting this week, be called into uniform?

A. Starting in January.

Q. How many of these young men will be called?

A. A great many had already enlisted, as of December 1, and estimates of those who may be available for early calls vary from 600,000 to 900,000.

Q. How many soldiers can we get during the next year, out of the 100,000 a month (1,200,000 a year) who attain the age of 18?

A. It is estimated that the armed forces should get 70,000 a month from this group. Those who are married and with children and those whose marriage was contracted at a time when their selection was not imminent, essential workers in industry and agriculture will not be called at once. There will also be some who cannot meet the physical qualifications. In addition, the Draft Act as amended provides for the deferment of high-school students in this group until the end of the academic year (April, May, and June in various localities) on written request. This latter provision does not apply to students in college.

Q. Will the 18- and 19-year-olds fill the quotas for the early months of 1943?

A. Not entirely.

Q. In what order will the 18- and 19-year-olds be called?

A. In accordance with their dates of birth, the older registrants will be called first. This means there will be no lotteries for this group as were held previously. Except for young men who are deferred by reason of their dependency status or because of their occupations, those persons who are nearly 20 will be called first, then those born 19 years and 10 months ago, then those born 19 years and 9 months ago, and so on down to the just-18's with later ones being liable for induction after they reach their 18th birthdays.

Q. Will the 18- and 19-year-olds be called before married men?

A. Generally, yes.

Q. Are married men being called now?

A. Yes, in some states, and they will be called generally before many months.

Q. Are married men with dependent children being called?

A. Generally, no. The calling of married men with dependent children, who have acquired dependency status in accordance with Selective Service regulations, requires specific authorization of the National Director of Selective Service and such authorization has not been issued.

Q. When will married men who are not deferred by reason of their occupation be called, and in what order?

A. Married men fall in three main categories and will be called in this order and at such times as their services are required:

1. Registrants, both married and single, with collateral dependents only. (Mother, father, etc.)
2. Registrants with dependent wives only with whom they maintain a bona fide family relationship.
3. Registrants with dependent wives and child or children and those with one or more children only, with whom they maintain a bona fide family relationship.

Two years of experience in Selective Service has shown at least 17 or more different classifications of married men for these purposes, and in determining the order of induction the local boards will use their best judgment. The recently-passed Allowance and Allotment law provides a system of payments to the family or dependents which eliminates much of the actual need for deferment, except in special or "hardship" cases.

Q. In view of the provisions made for necessary payments under the Allowance and Allotments Act, does "dependency" really mean anything in relation to deferment any more? If not, why is there still a 3-A classification?

A. Dependency is still a factor in Selective Service classification and 3-A will be continued. The Allowance and Allotments Act merely caused many wives of soldiers and persons who should be soldiers to cease to be dependents. Single men with dependents will be called first when it becomes necessary to go into the dependency (3-A) groups, then married men with wife only; then married men with a wife and child or children, or children only; but men with dependents who are not in essential industries or agriculture will be called ahead of other men with dependents.

Q. Is occupation coming to be, or has it become, the only ground for deferment, as in England?

A. No, but occupation is becoming more important in the classification of registrants. Even in England occupation is not the only ground, since hardship cases are still considered.

Q. Since the top limit for induction has been cut from 45 to 38 years of age, does Selective Service or War Manpower Commission have authority to direct the 38- to 45-year-olds into essential industries or war essential agriculture?

A. No, but they will be most useful there, and most of the job opportunities will be in those fields.

Q. Will the Army or Navy release its over-38 men back to essential industry or agriculture?

A. The Army has announced it will release these enlisted (or drafted) men, but only if they request it and if it is shown that the men are more useful to industry than to the Army and that they will be employed in agriculture or some other essential war industry on their release.

Q. How about the Navy enlistments?

A. Under the President's directives, the Navy may recruit men over 38, if they have special aptitudes or skills, and may recruit men under 18.

Q. The War Manpower Commission has announced a list of 35 essential industries and within them, lists of 3,000 jobs or occupations which are essential. Have all these lists been sent to the local Selective Service Boards, and if so, to what extent do they govern local board action?

A. Starting last April, the Selective Service System has sent out to local boards those definitions of essential industries, and occupations within each, as they were certified by a technical War Manpower Commission committee. Thirty-nine such "releases" have been sent to local boards so far, and others will be sent as the essential jobs are further defined. These lists will vary considerably from time to time. These lists are the latest available advice to the local boards. But their listings do not prohibit other deferments which may be made under the law by the local boards. Also, under the Selective Service laws, power and responsibility for the classification of each individual is placed on the local board, subject to the right of appeal, and group deferment for occupational reasons is forbidden.

Q. In these 35 essential industries will all workers now classified in Class 3-A be transferred automatically by their local Selective Service boards to Class 3-E?

A. No. Reclassification is not automatic. In the case of agriculture, however, instructions have been sent to local boards to reclassify essential workers on essential farms into 2-C and 3-C.

Q. Should a worker, or his employer, make a case for reclassification on the basis of "essential" employes in "essential" industries?

A. Such a case can best be made through "manning tables" and the replacement schedules which supplement

the manning table which are now being put into effect by many war industry employers. In some plants, the case may be made for temporary deferment through the replacement schedules alone. At present deferment as an essential worker is granted only if it is shown affirmatively that a training period of at least six months is necessary before an untrained worker can attain reasonable proficiency in the job, that the job is essential in the industry, and that the worker is currently irreplaceable.

As a result of conferences with Selective Service officials, NAB believes the Manning Table Plan is not well adapted to the radio broadcasting industry generally. It is designed to expedite the orderly withdrawal from industry into the Army of workers in large industrial units. However, any station believing the Manning Table Plan to be well adapted to its deferment and training program is eligible to participate, and should communicate with the appropriate regional office of the War Manpower Commission as listed in Supplement No. 2 to NAB Selective Service Handbook.

Q. In the case of a worker in an essential industry, should the worker or employer make a case now for reclassification, or should they wait until the worker is called by the local board for examination?

A. Any application for transfer to 3-B should be made now, preferably by the employer.

Q. Will a married man with a wife only, classified 3-B because he is in an essential industry or 3-C because he is in agriculture, be called ahead of a 3-A grocery store clerk (not in one of the 35 essential industries), who has 5 children?

A. Under present instructions, local boards are not authorized to call married men with children. However, the need for workers in essential industry may become so acute that married men, even with children, in non-essential industries may have to be called ahead of those men with wives only who are engaged in essential industry, in which case the grocery clerk would come first.

Q. Can apprentices, trainers, and learners be deferred, if they are employed in the 35 essential industries or outside?

A. No, but if they are in the 35 industries, they may be deferred on the basis of the training, qualifications and skill which they have acquired, the experience they have obtained and the occupation in which they are engaged, and the use to which the employer is putting the maximum skill of the apprentice and permitting them to undertake work and supervision in the skills which they have acquired.

Q. If a wife takes a job, how does that affect her husband's draft status?

A. If the husband has been found by the local board to have an essential job in industry or agriculture, her husband's status will not be affected by her taking a job. If the Allowance and Allotment Act was not enough to affect his status, it is possible the additional income might change the status of a non-essential worker without children. In general, however, wives by going to work will tend to release some unmarried men for military service, and thus postpone the time when married men will be called in large numbers. It should be remembered also that local boards in considering dependency deferment will consider not only whether a wife is working, but equally whether she can work.

Q. What has Selective Service told local boards about married men?

A. Several instructions on dependency have been sent out, the most significant of which probably is Local Board Release 123, which authorizes local boards to consider reclassifying single men with collateral dependents (father, mother, etc.), and married men without children into class 1-A, thus making them available for call. It should be kept in mind that marriage itself is never a basis of deferment, only dependency.

Q. Will we reach a saturation point beyond which few additional soldiers will be needed?

A. Probably not during wartime. Such a point would depend upon war strategy and the progress of the war. There will undoubtedly be need for replacements, etc., as long as we are at war.

Q. Is there any difference between a "necessary" man and an "essential" man since both have been mentioned in Selective Service bulletins?

A. No. "Necessary" probably describes the situation more precisely with reference to occupational deferments, but there is no difference in usage.

Q. What happens to the non-essential type of worker in agriculture and the 35 essential industries?

A. Local boards will place them in 1-A or, if they have dependents, in 3-B, in the case of the industrial workers. In the case of farm workers, they will be placed in 3-A if not engaged in essential jobs and have dependents.

Q. Have quotas been suspended in some states because of heavy occupational deferments?

A. In one state, quotas were reduced, and in two, they were modified during the harvest season.

Q. Before Army physical requirements were relaxed, many were rejected and placed in IV-F who would not be rejected now. What is being done about them?

A. Local boards are calling in 4-F registrants constantly for reconsideration under the more liberal requirements, and many are reclassified into 1-A as a result.

Q. Why does one see so many young men still in civilian clothes?

A. Many of them have been rejected for physical disabilities, which may not be apparent. The usual rejection rate for this cause varies according to age group but averages about 30 per cent. Others are war workers, of course.

Q. What is being done by the local boards with the 38- to 45-year-olds who cannot, under the President's order, be called?

A. They will be put in new class, 4-H, and could be made available for armed service if the President should rescind this order. However, it is expected that most of them will find essential jobs in war industries.

Q. With the Navy, Marines and Coast Guard now drawing men through Selective Service for the first time, will the registrant have an opportunity to choose his service?

A. At the time he is inducted, a registrant will have an opportunity to express his preference. The needs of the services and the man's own skills and experience will be major factors in determining which branch takes him.

Q. Does the Selective Service System operate fairly?

A. The heart of the system are the 6,500 local boards representing every county in the United States and our possessions. The boards are composed of citizens and residents of these counties serving without pay, who have first-hand knowledge of local conditions and possess the confidence of their neighbors. In more than two years of Selective Service operations, these boards have sent into military training and service more than 3,000,000 men drawn from every level of society, from every race and creed.

Q. What about rumors of influence being used with local boards?

A. Lotteries have been held to guarantee that selection of men, and the order in which they should go, should be determined without reference to wealth, influence, social position or other such factors.

Q. There have been rumors of prejudice for or against various races, creeds and colors. What about them?

A. Major-General Lewis B. Hershey, Director of Selective Service, has just answered that one. He says:

"Casualty lists from the area of actual combat, which include men of all colors, race and creeds, are the best indication of all, that the Army which has been raised through Selective Service represents America at its best.

"The winners of the awards for bravery are from the North as well as the South, and from the middle West and the far West, colored as well as white, and representing every creed in the population of our great nation. The newspapers and other periodicals have told the story graphically. The qualities of bravery, courage, initiative, and patriotism in their finest sense are not the exclusive property of any race or color, of the citizens of any particular economic level, or of any section of our land."

Q. What are the current classifications of registrants and what do they mean?

A. Here are the classes, and their definitions.

- 1-A Registrants available for general military service.
- 1-A-0 Registrants who are conscientious objectors available for noncombatant military service when found acceptable to the land or naval forces.
- 1-C Registrants who have been inducted into, enlisted in, or appointed to the armed forces.
- 2-A Registrants who are necessary or essential in their civilian activity.
- 2-B Registrants who are necessary or essential to the war production program, excluding agriculture.
- 2-C Necessary or essential men in agriculture.
- 3-A Registrants with dependents, engaged in less essential industry or less essential agriculture.
- 3-B Registrants with dependents, engaged in an activity necessary to the war production program.
- 3-C Registrants with dependents engaged in essential agriculture.
- 4-A Registrants who before induction have become 45 years of age, since they registered.
- 4-B Registrants who are deferred specifically by the law itself.
- 4-C Registrants who are aliens not acceptable to the armed forces or who waived their rights to become citizens to avoid military service.
- 4-D Registrants who are ministers of religion or divinity students.
- 4-E Registrants who are conscientious objectors available only for service in civilian work of national importance.
- 4-F Registrants who are mentally, morally, or physically unacceptable to the armed forces.
- 4-H Registrants who are 38 to 45 years of age. New class.

Q. How many have been registered and classified?

	Number
A. Registration—U. S. Total (as of Sept. 30, 1942)	26,151,913
Unclassified	1,948,238
Classified	24,203,675

N. Y. STATE TRAINS TECHNICIANS

Editor's Note: The following report was presented before New York state broadcasters on December 7, during the two day meeting of District 2, in New York City. Because it records an outstanding historical achievement in assisting our Nation at war, it is presented in full:

By COL. HARRY C. WILDER, WSYR

Chairman, Military Committee

Second NAB District

Do we broadcasters remember Pearl Harbor? In one year in one state the all-out effort of radio stations is nothing short of amazing. I will report only on one phase of this war effort.

We sought beyond our war news and important morale functions some extra means of supporting the forces. The NAB shortly after Pearl Harbor decided that broadcasters enroll and train radio technicians for the war. The need then and now is desperate. Through the U. S. Depart-

ment of Education funds were made available for instruction and equipment, but someone in each state had to organize this ambitious plan. The radio stations of New York have seen it through.

Just before the end of December 1941 I was designated to organize the colleges of this District. No time was lost. In the first week of January two meetings were held; one in Syracuse and one in New York City, at which nearly every college and university in New York and New Jersey was represented in response to our invitation. In many cases the heads of these institutions attended.

Art Stringer, secretary of the NAB War Committee, who has done a magnificent job, and Commander Lee of the Navy explained the plan and outlined the 32-week night courses. We promised that the broadcasters would recruit all they could train in these courses, would furnish instructors wherever possible, would give surplus equipment and would otherwise see this project through. Nearly every college had more applicants than could possibly be accommodated. The stations, without exception, all deserve fullest possible credit.

Courses Started in February

All of these courses were soon under way and by February 1942 in nearly every New York community with over 10,000 population, one or more of these night courses was in operation. It is to the eternal credit of our stations that hard pressed as we are for engineers to keep us on the air, we were nevertheless, able to furnish a large number of instructors. These men have worked their regular shifts and devoted long extra hours every week as war instructors. Some of these engineers were later drafted; a reflection upon American handling of manpower problems.

The two Co-Ordinators representing directly the U. S. Education Department are Dean Hollister of Cornell University and Dean Newman of the College of the City of New York. Dean Hollister and his efficient staff supervise everything north of New York City. Dean Newman has metropolitan New York and New Jersey. Early in the year it was found best for radio to function as state units. New Jersey was separated and I refer only to the training activities in New York state, with emphasis on the area north of New York City.

In the face of later heavy demands upon the colleges for many other large war training courses, they have continued these night courses. There should be no move in Washington toward cutting down this activity because all services are still short. We have the recent statements of the Army and Navy that the quality of those who have completed our fundamental courses is high. This is after all, the acid test.

Along in the summer preference was given to applicants who were acceptable to the enlisted reserve of the Signal Corps. Since then the Army Air Forces, Communication Branch, has come to us with a similar enlisted reserve plan. We have also invited the Navy to join in this reserve plan. The Signal Corps pioneered and have taken most of the acceptable enrollees. Many of our graduates, however, have joined other services.

Both Men and Women Trained

Yet we have never at any time permitted the urgent dilemma of the stations to cross up the main purpose—that we must furnish these graduates to the armed services. We have, however, included a few women as extra students, who receive the same instruction. Now the WAAC's want some of these women. Many women will be available to replace station engineers entering the services.

The stations should contact the nearest college to line up these trained women or certain men who cannot enter

war service for age, physical or other reasons. We have not been selfish in this project but we have incidentally provided a small reservoir of trained people to replace depleted station ranks. For example, let's mention only one of many. Station WJTN of Jametsown, has one full time employee who graduated from one of these courses and who now has a first class license. Another graduate is a half time employee. The manager of WJTN states that these two men have been of tremendous aid in their fast depleted engineering staff and they plan to bring another nearby student in. They have kept such stations on the air.

We have insisted upon scrupulous observance of the courses as outlined by NAB because they were as required by the armed services. It is true that the stations can on their own, establish code and other technical classes and turn out many more trainees. Many high schools now operate radio courses for pupils not high school graduates. Without extensive later experience, these courses all help but can hardly meet the military needs for well rounded fundamental radio training in these "college-level subjects."

Students Complete Studies

A very large percentage now are able to finish the courses; in fact, more than expected. We must have some additional equipment and instructors without which new courses cannot be added. We now call on all stations to hunt up among amateurs and from their own surplus stocks any possible usable equipment.

The total number who have taken the upstate courses is 4,000 of which 170 are women. Because these courses in New York City were separated from upstate, we can only estimate state-wide results.

Probably one-third can be added from Greater New York to the upstate totals; there being no complete record available.

In the state about 5,200 have taken these night courses. 2,400 have completed the first half and are well along to final graduation in upstate colleges.

In addition, several other types of radio courses have been given in New York colleges, mostly by direct arrangement with the armed services. I have reason to believe that over 15,000 have in 1942 taken some radio course in state colleges, not including the public school system or commercial radio schools.

Sixty-five station engineers now teach these courses and 35 more engineers are at once available as instructors. Probably 50 engineers would volunteer as instructors if equipment were available for more classes. This apparatus bottle-neck is hard to crack, as priorities are not usually granted to colleges urgently needing apparatus to train more radio men.

Conclusion: For the first time in radio history, college radio courses have been put on a mass production basis. We know it is possible to concentrate such training in area as large as upstate New York. Most of these graduates are immediately needed in the war, but they also constitute a future trained supply for the radio industry. Whether these courses will continue another year, nobody knows. It depends on changing military policies. It is quite possible that in the future all will first be enlisted and then trained in colleges under full military supervision of the Army and Navy and without the sponsorship of broadcasters. All of these graduates will be needed to man new developments in the post-war radio age, but the single and only objective today is to produce these technicians to get the war over with. And complete victory can be speeded by extra effort by everyone on the home front, which is the challenge accepted by the New York stations.

Labor

ESCALATOR CLAUSES

The War Labor Board ruled this week that "escalator" clauses in labor contracts should not be enforced when they would bring salaries to more than 15 per cent above their January, 1941, levels.

For instance, take the case of a contract made in April, 1942, which provided that employees who had been making \$30 a week for some years should receive a raise of \$2.50 a week, with another \$2.50 raise each six months for the duration of the contract. Under the WLB ruling, the employees could be given only \$2 of the first "automatic" raise, and then could receive no more, even though they were provided by the contract.

Any adjustment would have to be approved by the WLB. The text of the order:

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

Part 803—General Orders

(Adopted December 8, 1942)

§ 803.22—General Order No. 22. (A) No clause contained in any labor agreement, commonly known as an "escalator clause," relating to wages or salaries subject to the jurisdiction of the National War Labor Board, regardless of when the agreement was made, which provides for an adjustment in wage rates after October 3, 1942, or an adjustment in salary rates after October 27, 1942 because of changes in the cost of living, shall be enforced, where such adjustment would result in rates in excess of fifteen per cent above the average straight time hourly rates or equivalent salary rates prevailing on January 1, 1941.

(B) Adjustments within the fifteen per cent limit must be submitted for approval by the Board in the usual manner.

SICK BENEFITS

The WLB decided this week (Strand Baking Co. case) that it would not impose new or more liberal sick benefit clauses in the absence of special employment hazards.

Broadcast Advertising

1943 SALES PROMOTION CALENDAR IS AVAILABLE

Through the courtesy of Richard G. Meybohm, Manager, Sales Promotion Division of the National Retail Dry Goods Association, the 1943 Sales Promotion Calendar for Retailers and National Advertisers is being made available to broadcasting stations at \$2.50 each. This is considered the most authoritative work in the field of day-by-day merchandise promotion.

With the increased emphasis which is being placed on department stores and retail establishments as sources of broadcast advertising, many radio stations will want to have a copy of this comprehensive analysis of sales promotions by months and by days.

Among the subjects covered for each month are: comments on that month's promotions; sales percentages by departments for that month; important departments for that month; volume of the average store's total annual sales for the country as a whole that should be produced that month; and individual daily recommendations.

No better exposition exists of the problems of the retailer under wartime conditions than that contained in the Foreword to the 1943 Calendar, written by Mr. Meybohm. Here are the opening paragraphs:

"The year 1943 promises to be one of historical significance in retail sales promotion. Faced with an almost unpredictable merchandise situation caused by an ever-increasing diversion of production from civilian goods to war goods, the job of 'selling' in a period which contrasts an ebb of production against a peak of demand might not on the surface appear to be important. Yet if retail advertising and promotion be considered with its true purpose in mind—that of store promotion instead of sales promotion—it appears to become more important than ever. For probably never before has store selling been as worthy of consideration than at present.

"Certainly wartime conditions and their attendant shortages of merchandise, price and inventory control, etc., must be viewed as temporary whereas the life of the retail store may be reasonably expected to continue after Victory has been won.

"The successful store in peace time has always been that store which has been able and willing to cater to the needs and wants of people in a larger measure than competition. There seems to be no reason why this rule for success should not continue now and into our post war life.

"Normally these requirements and desires were in the main linked with merchandise which stores offered for sale. The availability of quantities sufficiently large to satisfy all demands and to profitably advertise was practically assured. Today this picture appears to be rapidly changing.

"The needs and wants of the American people have and will continue to change as the full impact of war is felt. Of necessity then sales promotion methods must also change. Large scale merchandise promotions might eventually become impractical because of the lack of quantities of specific types of merchandise. As a substitute implement to draw traffic and to keep those necessary daily contacts with customers, stores might well become centers of wartime information; their promotional activities might lean toward help in solving the customers' problems brought on by the war; to the establishment of bureaus of information; lectures, forums, instructive classes and the like. It short, stores might well serve as centers of community life."

You can obtain a copy of the 1943 Calendar through the Department of Broadcast Advertising of NAB. Make your check for \$2.50 payable to the National Retail Dry Goods Association.

WARTIME SHIFTS IN CONSUMER BUYING HABITS

From an Address before the
National Federation of Sales Executives

By WILLIAM H. HOWARD
Executive Vice-President
R. H. Macy and Company

Reprinted Through the Courtesy of
"The Advertiser's Digest"

During the course of the recently completed tour of district meetings, many station managers and sales managers asked for copies of the "Wartime Shifts in Consumer Buying Habits" from which Lewis A. Avery quoted during the forecast of business. Through the courtesy of "The Advertiser's Digest," in which this speech was reproduced, we are able to reprint the salient points of this talk.

"The changes that are taking place in people's lives nowadays are becoming fairly obvious, and now the changes in their buying habits are beginning to make themselves felt. No one knows how far-reaching these changes will become because they are bound up with the length of the war, the extent to which rationing becomes

necessary, and still further stringencies in transportation and the availability of consumer goods.

“ . . . We called a meeting of the publicity staff at Macy's and posed ourselves this problem: Now that we are at war, a great many changes are going to take place in the lives of individuals. Let us list on a sheet of paper all of the changes we can think of that are occurring to people. Then, we are in a position to decide what we want to do with our advertising, publicity, displays, our promotion of merchandise and the approach of our sales force.

“The list we finally enumerated was a lengthy one: it consisted of such things as:

“1. Women will have less time for normal pursuits than formerly, since they will be engaged in an increasing number of war activities. If they have less time for normal pursuits, they obviously will have less time for shopping and still less time for reading advertising.

“2. With the shortage of tires and with gasoline rationing, they will not be driving into town to shop.

“3. A certain number of families living in the suburbs will find the transportation problem too much for them and will move back into town. A certain other group of families, fearful of air raids and apprehensive about the safety of their children, will move to the suburbs, as close to transportation as they can get.

“4. There will be more home entertainment. Nearby movies will become increasingly popular. They will listen to the radio more.

“5. Women are going to be concerned with making what they have last longer because they will be doubtful about the quality of replacement goods.

“ . . . We must make our appeal to them (women) as brief, and informative, and to the point, as we can . . . it is equally true that they are very much interested these days in merchandise. . . . So while our story must be to the point it must also be complete; it must be more factual than it has been in the past. It must be simple, straight-forward, convincing and easy to buy from.”

Doesn't that need match many of the distinctive advantages of broadcast advertising?

FREE TIME REQUESTS

The Radio Script Service of “Feature Bureau” at 50 East 42nd Street, New York City, is offering radio stations “free” monthly scripts on a Cooking Conservation Contest. Although various government agencies are alleged to be cooperating in the contest, stations have found that all scripts emphasize the importance of molasses in cooking conservation. This is no mere coincidence. Earlier this year, in response to a request for information on the purpose of the “Feature Bureau,” Miss Marion Cahn wrote in part:

“The scripts as we offer them to radio programs are non-commercial in the majority of items—and in one or two items we represent associations like the doughnut industry; molasses industry . . .”

The old adage still holds true: “If you give it away, you can't sell it.”

The managers of several Firestone Stores (subsidiary of Firestone Tire and Rubber Company) have approached radio stations with the suggestion that they broadcast Philharmonic records on a no-charge basis, with the understanding that the station will announce: “You are listening to a program of Philharmonic records sold exclusively by Firestone dealers and stores.” Obviously, this is a commercial proposal and should be so regarded by the stations approached.

Listener Activities

CLEVELAND COUNCIL EVALUATES PROGRAMS

Mrs. J. Leon Ruddick, Chairman of the Evaluation Committee of the Radio Council of Greater Cleveland, has issued a most interesting report. In September the Cleveland Council sponsored the second regional conference on radio. As a result standards for the evaluation of children's radio programs were recommended. These standards follow:

1. Children's programs should be artistically sound. Top writers, actors and producers should be used in the creation of these programs.

2. Programs should be planned by joint committees including persons with a knowledge of children and those with a knowledge of showmanship.

3. Programs should build attitudes such as: loyalty, dependability, responsibility, integrity, tolerance, and pride.

4. Programs need, in this war era, to instill more definitely in children our democratic ideals. Definite propaganda for this purpose is desirable in our war against the totalitarian practices of the Axis Nations.

5. Children should have a wide range of programs such as the range for adults, including: variety, quiz, news, drama, and music.

In her release of December 4, Mrs. Ruddick, as Chairman of the Committee, states:

“A committee representing the Radio Council, working with the above standards in mind, submits the following list of programs which seem most nearly to measure up to the standards given. Programs were judged with children of Elementary and Junior High School ages in mind. The hours of listening agreed upon were 4 to 8 p. m. on school days, and 8:30 a. m. to 8 p. m. on Saturday and Sunday.

“Using the standards in the order of their listing, programs most nearly fitting these standards are given.

1. Let's Pretend; Saturday, a. m.; WGAR.
Family Hour; Sunday, 5 p. m.; WGAR.
2. Story Time; Saturday, 9:45 a. m.; WGAR.
Story Teller; Saturday, 10:45 a.m.; WHK.
Little Doctor Hickory; Sat., 2:35 p. m.; Blue Network.
Little Blue Play House; Saturday, 11:30 a. m.; WHK.
3. Uncle Henry's Dog Club; Sunday, 9:45 a. m.; WTAM.
* Pan-American Holiday; Saturday, 1 p. m.; WTAM.
** Wings Over Jordan; Sunday, 10:30 a. m.; WGAR.
4. *** God's Country; Saturday, 11:15 a. m.; WGAR.
5. **** Kostelanetz; Sunday, 4:30 p.m.; WGAR.”

The committee also recommended “Cavalcade of America” and “Men of the Sea” as worthwhile programs that dramatized the lives of heroes of all time and those in today's struggle for freedom.

* “Pan American Holiday” was included because it brings to children an understandable picture of our Latin American neighbors.

** “Wings Over Jordan” while directed to adults, was selected because it teaches children tolerance and an appreciation of other races.

*** “God's Country” dramatizes the various sections of our own land and it was felt that this gave valuable information and inspiration to youth.

**** The “Kostelanetz” program, by its styling, brings to youth an awareness of the best in music in both classic and popular fields.

DU PONT AWARDS

The Alfred I. duPont Annual Radio Awards was established May 1942, by Mrs. Alfred I. duPont of Jacksonville, Florida, and the Florida National Group of Banking Institutions in Florida.

Two awards of \$1,000 each will be given each year.

One will go to the individual radio station in the United States which, in the opinion of a board of impartial judges, has rendered outstanding public service during the calendar year by encouraging and promoting American ideals and giving devoted service to the nation and to its community. The other award will go to the radio commentator who, in the opinion of the judges, has performed outstanding public service by aggressive, consistently excellent, and accurate gathering and reporting of news during the calendar year, and for expert and reliable interpretation of the news.

The awards for the 1942 calendar year will be announced the first week in March, 1943. In order to give the judges adequate time for consideration of all stations and commentators nominated for the awards, it will be necessary that all nominations be in by January 1, 1943. These nominations should be made by writing to W. H. Goodman, Secretary, Alfred I. DuPont Radio Awards, Trust Department The Florida National Bank, Jacksonville, Florida. Nominations should be accompanied by data supporting the claims of outstanding service made by the nominator. The decision of the Judges will of course be final and conclusive in all respects.

N. Y. SLANDER CASE

The New York Supreme Court last week in an action for slander ruled that a radio station is not liable for the extemporaneous defamatory remarks of a political candidate, provided the station had exercised "due care in the selection of the leasee of its facilities and in the inspection of the script." The ruling was made by Judge Wasservogel in the case of *Josephson v. WMCA*, and appears to apply to defamation in political broadcasts the "due care" rule laid down by the Supreme Court of Pennsylvania in the Summit Hotel Case.

"The fourth and fifth defenses," the court said, "plead qualified privileges under Section 315 of the Federal Communications Act. This section prohibits discrimination among qualified candidates for public office in the use of the facilities of a radio station and denies the right of censorship to the radio station. The person who uttered the defamatory matter was such a candidate. Since this statute creates certain obligations and limitations, it is proper that the owner of the radio station be given corresponding qualified privileges against liabilities for statements which it has no power to control."

In the State of New York the Court of Appeals is the court of last resort, with right of intermediate appeal to the Appellate Division of the Supreme Court. The Supreme Court is the trial court. Until affirmed by the Court of Appeals the ruling will not have the effect of binding authority in New York.

NETWORKS GRANTED REVIEW

The Supreme Court Monday granted review in the CBS-NBC cases against the Government to annul the network regulations and placed the case on the summary docket. Under the Urgent Deficiencies Act the networks have the right of direct appeal to the Supreme Court, and it was virtually a formality for the court to note probable jurisdiction and expedite hearing. Operation of the regulations was stayed by the New York court until February 1, 1943, or until argument before the Supreme Court, whichever is earlier. It is expected the cases will be reached for argument in January.

NAB ASKS TREASURY FOR OPINION ON GOVERNMENT TIME

NAB has requested the Treasury's opinion on the deductibility from gross income of the value of time given by radio stations to the Treasury, the War and Navy

Departments, and other agencies of the Government for programs and announcements in support of the war effort.

Section 23(q) of the Internal Revenue Code, as amended by Section 125, the Revenue Act of 1942, provides, in part, for the deduction from gross income "in the case of a corporation (of) contributions and gifts payment of which is made within the taxable year to or for the use of (1) the United States * * * for exclusively public purposes * * * to an amount which does not exceed 5 per centum of the taxpayer's net income as computed without the benefits of this section."

PUBLIC RESPONDS TO SPOTS

Thanks to you the public is beginning to understand.

Our appreciation is expressed to the following stations for cooperation in directing listeners to bring radios to radio repairmen instead of asking that they be picked up. Other stations who are helping have been reported in previous issues of NAB REPORTS.

As a matter of fact, ODT regulations have now restricted the movement of servicemen's cars to such an extent that, generally speaking, no other course is feasible.

The short messages, which stations were asked to broadcast on a rotating schedule, are helping both industry and government. When the wartime situation is explained and understood by listeners, there is little or no resentment over the elimination of the pickup service. Removal of this "frill" enables radio repairmen to handle more sets per day and thus *partially* compensate for hundreds of servicemen in uniform.

WAKR, Akron; WROW, Augusta, Ga.; KFYR, Bismarck; WDOD, Chattanooga; WEST, Easton; KVFD, Fort Dodge; KARM, Fresno; WTIC, Hartford; WAZL, Hazelton; KMTR, Hollywood; KCMO, Kansas City, Mo.; WASK, Lafayette; WGAL, Lancaster; KOOS, Marshfield; WNYC, New York City; KBON, Omaha; WDAS, Philadelphia; KGFY, Pierre; WWSW, Pittsburgh; WTAD, Quincy; WSYR, Syracuse; KFYO, St. Louis; KTUC, Tucson; KVOA, Tucson; KUJ, Walla Walla; WDEL, Wilmington.

FRANK RECEIVES "AWARD OF MERIT"

Last summer, Nathan Frank, WCBT, Roanoke Rapids, N. C., went all out for Navy, putting both the station and himself solidly behind recruiting.

On December 10 he received the Award of Merit by the Navy Recruiting Station at Raleigh for the enlistment of 585 men. During five months, July through November, Mr. Frank, alone, interviewed 1,187 men. Of this number the 585 were enlisted and are now serving in the Navy.

FEDERAL COMMUNICATIONS COMMISSION

FLY PRESS CONFERENCE

Some progress is being made by FCC in connection with the manpower situation in the industry, Chairman James Lawrence Fly stated at a press conference this week.

The FCC staff has been in conference with the staff of the Manpower Commission, and the Chairman said, "We feel assured that the Manpower Commission will review the entire list of requirements of the industry, and when I speak of the requirements I do not think that we ought to be unduly concerned over some reports that only news and information service and those devoted to that particular service will be deemed essential."

Further Hearing

He called attention to the fact that the broadcasting structure rests upon the foundation of commercial broadcasting and broadcast stations cannot exist for the isolated purpose of news and information "unless they be subsidized broadly."

"Of course there is always," the Chairman said, "the further factor that audiences must be built up and sustained. Without continuing the service and without attractive service, including entertainment, the audience will not be there. Audiences cannot be turned on and off like a spigot. I am sure it will be very obvious to all of us who are concerned with the continuity, stability and security of the broadcasting industry that all positions essential to those requirements will be recognized."

Mr. Fly expressed concern over the tendency "on the part of certain applicants and broadcast stations and their backers to assume that the wartime rules may be broken down." He said these rules are designed to prevent the use of materials and to preserve new materials for war purposes.

There is extreme demand for radio materials for essential war purposes, and this is thoroughly understood throughout the industry, Mr. Fly continued. Certain equipment has been taken by agreements of the owners out of the hands of some of our broadcasters, and no doubt additional materials which are available will be called for in the future.

"I think we have got to make it awfully clear here," the Chairman said, "that as long as these rules are in effect we have all got to live under them as best we can." Mr. Fly stated that he thought the question of living up to the rules had come about through the recent grant of the Commission which moves WJW. In this connection he called attention to the fact that no new material is being used in this program.

The FCC, Mr. Fly said, is still making studies and holding conferences regarding the status of small stations which may have difficulty in staying on the air due to the falling off of local business. This is particularly acute in a number of smaller towns and cities served by local stations dependent upon the business of the particular town. The Chairman expressed hope, "that some sound plan can be evolved for the relief of these stations so we can be assured of their continuing operation during the war. Perhaps not a more essential class of station in the whole broadcasting structure. Needless to say the tax measure may be of some assistance. That can hardly be demed a major alleviative."

DEMPSEY IN KOA CASE

The FCC has designated Mr. William J. Dempsey as Special Counsel for the purpose of assisting in the preparation and presentation to the Supreme Court of the case entitled "National Broadcasting Co., Inc. (KOA) v. Federal Communications Commission." This case involves the validity and interpretation of the Commission's intervention rule which was adopted while Mr. Dempsey was General Counsel of the Commission.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, December 21. They are subject to change.

- WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, 1310 kc., 500 watts, SH-WCAM and WCAP.
- WTNJ—WOAX, Incorporated, Trenton, N. J.—Modification of license, 1310 kc., 500 watts, unlimited; request facilities of WCAM and WCAP.
- WCAM—City of Camden, Camden, N. J.—Renewal of license, 1310 kc., 500 watts, SH-WTNJ and WCAP.
- WCAM—City of Camden, Camden, N. J.—Modification of license, 1310 kc., 500 watts, SH-WCAP; request facilities of WTNJ.
- WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, 1310 kc., 500 watts, SH-WTNJ and WCAM.
- WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license, 1310 kc., 500 watts, SH-WCAM; request facilities of WTNJ.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WSAP—Portsmouth Radio Corp., Portsmouth, Va.—Granted modification of construction permit for approval of studio site, move of transmitter location and change in antenna system, on condition that applicant take care of reasonable complaints on blanketing (B2-MP-1650).
- WSAY—Brown Radio Service & Lab. (Gordon P. Brown, Owner), Rochester, N. Y.—Granted modification of construction permit for change of location of transmitter, change type of transmitter and change directional antenna system for day and night use (B1-MP-1609).
- WOW—Woodmen of the World Life Insurance Society (Assignor), Radio Station WOW, Inc. (Assignee), Omaha, Nebr.—Granted consent to voluntary assignment of license for Station WOW, from Woodmen of the World Life Insurance Society to Radio Station WOW, Inc. The assignor proposes to assign the license and lease all the fixed assets used in connection with Station WOW to the assignee. The lease agreement is for a term of 15 years at a monthly rental of \$8,166 for the first three years and \$5,680 per month for the remaining 12 years of the lease. (Commissioners Walker, Wakefield and Durr dissented.)

LICENSE RENEWALS

- WDDB—Delta Broadcasting Co., Escanaba, Mich.—Granted renewal of license for the period ending in no event later than December 1, 1943.
- Granted renewal of following station licenses for the period ending in no event later than December 1, 1944:
KARM, Fresno, Calif.; KDTH, Dubuque, Iowa; KLO, Ogden, Utah; KPRO, Riverside, Calif.; WWRL, Woodside, Long Island, N. Y.
- WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted renewal of license for the period ending not later than August 1, 1944.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted renewal of license for the period ending not later than October 1, 1944.

DESIGNATED FOR HEARING

- KDNT—Harwell V. Shapard, Denton, Tex.—Designated for hearing application for modification of license to change frequency from 1450 to 1400 kc. (B3-ML-1143).
- WJNO—WJNO, Inc., West Palm Beach, Fla.—Designated for hearing application for construction permit to reinstate construction permit B3-P-3041, which expired September 23, 1941, for use of formerly licensed composite transmitter and install new vertical antenna as an auxiliary unit at 511 Dutra St., West Palm Beach, and specify 1230 kc. (B3-P-3449).

WMAM—M & M Broadcasting Co., Marinette, Wisc.—Designated for hearing application for modification of license to change hours of operation from daytime to unlimited time, using power of 100 watts, 250 watts LS (B4-ML-1146).

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Designated for hearing application for renewal of license of Station WCOP (1) to determine the qualifications of the applicant to operate station WCOP in the public interest; (2) to determine the manner and method in which applicant has heretofore operated Station WCOP, particularly with respect to but not limited to foreign language programs, including methods of selecting and investigating personnel, qualifications of personnel, sale of time, and supervision of programs; (3) to determine whether, in view of the facts shown by the examination of the foregoing issues, the continued operation of Station WCOP would serve public interest, convenience, and necessity.

The Commission has announced that it has designated for hearing an application of the Massachusetts Broadcasting Corp. for the renewal of license of Station WCOP, Boston, Mass. The station is one of several foreign language stations controlled by Arde Bulova. The bill of particulars states that the hearing has been set to determine the manner in which the applicant has heretofore operated Station WCOP, particularly with respect to foreign language programs. Testimony at the hearing will concern methods of selecting and investigating personnel, qualifications of personnel, sale of time, and supervision of programs. Following examination of the foregoing issues the Commission will determine whether continued operation of Station WCOP by the present operator would serve public interest.

The Commission has investigated Franco Gallucci, one of WCOP's announcers and its chief Italian program time-broker, who was president for many years of the Massachusetts Federation of Dopolavero, a Fascist front organization, and Ubaldo Guidi, another announcer. Guido had close contact with the Italian Consulate at Boston and was widely known throughout New England as an organizer of a Fascist group. Guido has been arrested by the FBI and has been interned since the attack on Pearl Harbor.

Italian broadcasting on the station was begun at the direction of the late Luigi Fiato, who was executive secretary of the Boston Fascio of the Fascist League of North America.

COMMISSION ORDERS

The Commission has set aside and annulled its order of January 21, 1941, revoking the license of station WDLP, of Panama City, Florida. In the same order it renewed the station license and granted the transfer of control of the Panama City Broadcasting Company to Bay County Publishers, Inc.

The Commission also annulled its order of January 21 revoking the license of Station WTMC, of Ocala, Florida. It granted license renewal to the station and granted transfer of control of the licensee corporation, Ocala Broadcasting Co., Inc., from John T. Alsop, Jr., to News-Journal Company.

Its orders in these two cases are as follows:

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 2nd day of December, 1942:

The Commission, having under consideration its order of January 21, 1941, revoking the license of Panama City Broadcasting Company, licensee of Station WDLP, Panama City, Florida, the evidence adduced at the hearing thereon and the proceedings of record therein; and also the application (File No. B3-TC-220) for transfer of control of the licensee corporation to Bay County Publishers, Inc.; and also the application (File No. B3-R-1053) of Panama City Broadcasting Company for renewal of license to operate Station WDLP; and the Commission finding that public interest will be served by vacating, setting aside and annulling its order of January 21, 1941, herein, and by granting the application for transfer of control and renewal of license of Panama City Broadcasting Company, licensee of Station WDLP, Panama City, Florida;

It is ordered, that the Commission's order of January 21, 1941, revoking the license of Panama City Broadcasting Com-

pany, licensee of Station WDLP, Panama City, Florida, be, and it is hereby, vacated, set aside and annulled; and

It is further ordered that the application (File No. B3-TC-220) for transfer of control of Panama City Broadcasting Company to Bay County Publishers, Inc., be, and it is hereby, granted; and

It is further ordered, that the application (File No. B3-R-1053) of Panama City Broadcasting Company for renewal of license to operate Station WDLP, be, and it is hereby, granted.

The Commission, having under consideration its order of January 21, 1941, revoking the license of Ocala Broadcasting Company, Inc., licensee of Station WTMC, Ocala, Florida, the evidence adduced at the hearing thereon and the proceedings of record therein; and also the application (File No. B3-TC-219) for transfer of control of the licensee corporation from John T. Alsop, Jr., to News-Journal Company; and also the application (File No. B3-R-1003) of Ocala Broadcasting Company, Inc., for renewal of license to operate Station WTMC; and the Commission finding that public interest will be served by vacating, setting aside and annulling its order of January 21, 1941, herein, and by granting the application for transfer of control and renewal of license of Ocala Broadcasting Company, Inc., licensee of Station WTMC, Ocala, Florida;

It is ordered, that the Commission's order of January 21, 1941, revoking the license of Ocala Broadcasting Company, Inc., licensee of Station WTMC, Ocala, Florida, be, and it is hereby, vacated, set aside and annulled; and

It is further ordered, that the application (File No. B3-TC-219) for transfer of control of the licensee corporation from John T. Alsop, Jr., to News-Journal Company, be, and it is hereby, granted; and

It is further ordered, that the application (File No. B3-R-1003) of Ocala Broadcasting Company, Inc., for renewal of license to operate Station WTMC, be, and it is hereby, granted.

DOCKET CASE

The Commission has announced its Findings of Fact, Conclusion, and Order (B-150), denying the application of Dodge City Broadcasting Co., Inc. (KGNO), Dodge City, Kans., for modification of license to increase nighttime operating power from 250 to 500 watts (Docket No. 5955).

In its conclusion, the Commission states:

"One of the issues to be determined in connection with the instant application is whether the granting thereof would tend toward a fair, efficient, and equitable distribution of radio service, as contemplated by Section 307(b) of the Communications Act of 1934, as amended. As heretofore shown, the granting of the instant application would enable KGNO to extend its present nighttime service to include an additional area of about 231 square miles and some 1,068 potential listeners who are now without primary broadcast service. This gain in service, however, would be accomplished at the expense of some 5,630 listeners who would lose service from Station KFRO, Longview, Texas. While it is clear from the evidence that some of these listeners who would be so affected have service available from KOCA, Kilgore, Texas, there has not been an adequate showing as to the number or portion thereof residing within the nighttime primary service area of this station. Since the showing in this respect is not complete, we are unable to resolve the issue heretofore stated in favor of the applicant and reach the requisite statutory conclusion that the operation proposed herein would serve public interest, convenience, or necessity."

MISCELLANEOUS

WIBG—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Granted modification of construction permit as modified, which authorized installation of new transmitter and directional antenna for day and night use, change hours of operation, increase power, and move transmitter and studio, for change in type of transmitter and extension of completion date from November 30, 1942, to 90 days after grant (B2-MP-1667), subject to conditions.

WMBI—The Moody Bible Institute of Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1475).

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted extension of special service authorization to operate unlimited time with power of 25 KW, 50 KW LS, employing direc-

tional antenna at night, and using transmitter described in its construction permit B3-P-2539 (B3-SSA-54).

- K37LA—Earle C. Anthony, Inc., Los Angeles, Calif.—Cancelled outstanding construction permit (B5-PH-45 and B5-MPH-66), deleted call letters, and closed the records of the Commission with respect to this station, because of inability to obtain materials.
- WMBD—Peoria Broadcasting Co., Peoria, Ill.—Passed for two weeks petition for leave to intervene in the hearing on application of WQBC, Vicksburg, Miss.
- WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; KFAB—KFAB Broadcasting Co., Lincoln, Neb.; WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.; WJAG—The Norfolk Daily News, Norfolk, Neb.—Passed for one week petition to dismiss without prejudice applications of applicants in Dockets 5269, 5270, 5271 and 5864.
- KNOE, Inc., Monroe, La.—Granted motion to dismiss without prejudice application for construction permit (B3-P-2887).
- WCSH—Congress Square Hotel Co., Portland, Maine.—Granted petition to dismiss without prejudice application for construction permit (B1-P-3490).
- KVAK—Carl Latenser (Assignor), Radio Enterprises, Inc. (Assignee), Atchison, Kans.—Granted motion to dismiss application for voluntary assignment of license of station KVAK (B4-AL-320).
- WHKC—United Broadcasting Co., Columbus, Ohio.—Granted petition to accept amendment to application for construction permit for changes in directional antenna system.
- KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Denied petition for reconsideration and grant of application for construction permit to increase power from 1 KW to 5 KW, move transmitter, install new transmitter, and install directional antenna for night use (B-P-3499, Docket 6440).

APPLICATIONS FILED AT FCC

710 Kilocycles

- WFTL—Ralph A. Horton, Ft. Lauderdale, Fla.—Modification of construction permit (B3-P-3355 as modified, which authorized change in frequency, increase in power, new transmitter and directional antenna for night use and move of transmitter) for extension of completion date from 1-5-43 to 3-5-43.

750 Kilocycles

- WHEB—WHEB, Inc., Portsmouth, N. H.—Special service authorization to operate from 7 a. m. to local sunrise during months of November, December, January and February, with power of 250 watts, for period ending 2-1-44.

820 Kilocycles

- WGST—Georgia School of Technology, Atlanta, Ga.—Authority to determine operating power by direct measurement of antenna power.

860 Kilocycles

- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Modification of license to move main studio from McHenry & Sylvan Aves., Modesto, Calif., to Norwegian Ave., between Sunrise Ave. & Coffee Road, 1¼ mile N. of NE corner of Modesto.

940 Kilocycles

- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Authority to determine operating power by direct measurement of antenna power.

1330 Kilocycles

- WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Authority to determine operating power by direct measurement of antenna power.

TELEVISION APPLICATION

- W2XCB—Columbia Broadcasting System, Inc., area New York, N. Y.—Modification of construction permit (B1-PVB-46 as modified, which authorized new television relay station)

for extension of completion date only, from 1-7-43 to 7-7-43.

MISCELLANEOUS APPLICATIONS

- W55M—The Journal Co. (The Milwaukee Journal), Richfield, Wis.—License for new auxiliary modulator unit (using unit formerly licensed to Station W9XAO).
- KSRO—Ernest L. Finley, Santa Rosa, Calif.—Involuntary assignment of license from Ernest L. Finley, deceased to Ruth W. Finley, Executrix.
- KAQY—Don Lee Broadcasting System, area Los Angeles, Calif.—License to cover construction permit (B5-PRE-297 as modified, which authorized new relay broadcast station.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why a cease and desist order should not be issued against it.

L. & C. Hardtmuth, Inc., Bloomsbury, N. J., and Koh-I-Noor Pencil Co., Inc., 373 Fourth Ave., New York, are charged in a complaint with falsely representing that the pencils they manufacture and sell are wholly of domestic make when actually the leads therein were imported from Germany and Czechoslovakia. (4875)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Baltimore Luggage Co., 105 West Pratt St., Baltimore, stipulated to discontinue representing that any part of an article of luggage sold by them is made of wood or brass when actually such part is made of a product or products other than wood or brass; use of the word "genuine" as descriptive of split leather; selling any article of luggage made of so-called split leather or leather other than the top grain, unless tags or labels showing that such leather is split or cut from the under side of the hide and is not top grain be attached to the article so as to remain thereon until it reaches the ultimate purchaser; and making any representation which has the tendency of misleading or deceiving the purchasing public with respect to the grade, quality, origin, construction, durability, character, or finish of any article of luggage, its fittings, or the leather or other material of which it is composed. (3580)

Federal Bakery Co., Winona, Minn., selling a food product designated "Federal Prize Winner Bread," and M. H. White and H. R. Wiecking, trading as Winona Radio Service, 216 Center St., Winona, advertising agents who disseminated advertisement for the product, have stipulated to cease and desist from representing that Federal Prize Winner Bread supplies substantial amounts of the vitamins and the food minerals: that it conforms to the recommendations of the Committee on Food and Nutrition of the National Research Council; that the consumption of this bread in customary amounts will provide the daily minimum requirement of thiamin; that the bread is made with whole milk as one of its ingredients; or that more of this bread is sold in the Winona, Minnesota, market than any other bread, or that because of the presence of thiamin it will aid in the digestion of food. (03079)

Hill Brothers Co., Hudson, Mass., manufacturing and selling men's shoes, has stipulated to cease and desist from use of the words "Cross & Cross," in connection with a crown or shield, or the words "The House of McGregor's Ltd.," either alone or in connection with the words "Bespoke Bootmakers," or with any other words, picturization, or insignia customarily identified with the British Isles, as a mark, stamp or brand name for, or to otherwise purportedly describe or refer to its domestically-made products; and from use of words or combinations in any way, the effect of which conveys the belief to purchasers that the products are of British make or imported from England; from use of the words "Hand Made," or words of similar implication as purportedly descriptive of products not made by hand; and from use of any named concern, such as "Dominick & Dominick," so as to convey the belief that the products are manufactured by or in accordance with the specific order of the named concern when such is not the case. (3575)

Old Trusty Dog Food Co., Inc., Needham Heights, Mass., stipulated that in the sale of a dog food designated "Supreme Meal" it will cease and desist from representing that the United States Government has adopted general specifications for dog foods and that its product is compounded in accordance with "U. S. Government Specifications"; that its product is "scientifically balanced" or constitutes a balanced ration for dogs of all breeds and ages; that "Supreme Meal" contains blood-purifying minerals or by reason of its mineral or other content possesses blood-purifying properties, and that the product will prevent infectious diseases or insure the virility, vigor or health of dogs. The respondent company also agrees to stop making any comparison of the vitamin content of its product with the vitamin content of a dog food deficient in the vitamins indicated, the effect of which is to imply that its product contains vitamins in excess of the actual vitamin content. (3579)

Paul's Furniture Store, Westwood, N. J., Paul Gluck and Bernard Gluck, retailers of household merchandise, furniture and rugs, stipulated that they will discontinue the use of advertising which has the capacity or tendency to convey the belief to customers that the merchandise referred to in such advertising is new when actually it has been used or repossessed; that the persons referred to in the advertising are in possession of the advertised merchandise or have a salable interest in it; that the price for which the merchandise is advertised for sale is the unpaid balance due thereon or does not exceed the sum remaining unpaid by such persons; or that the advertising had been inserted or authorized by such persons. The respondents also agree to stop using the word "Oriental" to refer to rugs which are not made in an Oriental country and do not contain all of the essential characteristics and qualities of Oriental rugs; unless, if such word is used properly to designate only the pattern or design of the rugs, it shall be immediately accompanied by other words, such as "design" or "pattern," printed in equally conspicuous type, so as to clearly indicate that only the design or pattern is a likeness of an Oriental design or pattern. The respondents further stipulate that they will discontinue using the words "Oriental Reproduction" as descriptive of rugs which are not in fact reproductions of the indicated type. (3581)

Reese Chemical Co., Cleveland, Ohio, selling a medicinal preparation designated "Blu-Tabs," has stipulated to cease and desist from disseminating any advertisement which fails clearly to reveal that frequent or continued use of the preparation may cause nervousness, restlessness or sleeplessness; that individuals suffering from high blood pressure, heart disease, diabetes or thyroid trouble should not use the preparation except on competent medical advice; that it should not be used in case of lung disease or

chronic cough, and that if a skin rash appears its use should be discontinued; provided, however, that such advertisement need only contain the statement: "Caution, use only as directed," if the directions for use contain a caution or warning to the same effect. (03080)

Ruckel Manufacturing Co., 547 Broadway, New York, manufacturer of comforter and blanket covers, entered into a stipulation to cease and desist from the use on labels or stationery, or in any other manner, of the term "Eighty Square" as descriptive of the fabric of which his products are made and from the use of such term or of any similar term, the effect of which tends to convey the belief that the fabric is composed of the designated number of threads or picks to the square inch when actually the thread count is other than that indicated; the term "Full Size" to imply that products so designated are of a 72-inch by 84-inch size, as the term "Full Size" is understood in the trade; and the brand "82 x 90" or any other purported size indication which is not truthfully representative of the actual dimensions of the products. (3578)

Ben Schwartzman, Inc., 150 West 28th St., New York, selling and distributing fur garments, has entered into a stipulation to cease and desist from the use in advertisements or on labels, tags, or other media, of any representation or designation of a fur which deceptively conceals the true name or nature of the fur with the tendency to mislead or deceive purchasers, and from designating or describing furs in any manner other than by the use of the correct name of the fur as the last name of its description, and when any dye, blend or process is used in simulating another fur, the true name of the fur appearing as the last word of the description shall be immediately preceded in equally conspicuous type by the word "dyed" or "blended" compounded with the name of the simulated fur, such as "Seal-dyed Coney," "Beaver-dyed Coney," and "Mouton-dyed Lamb." (3574)

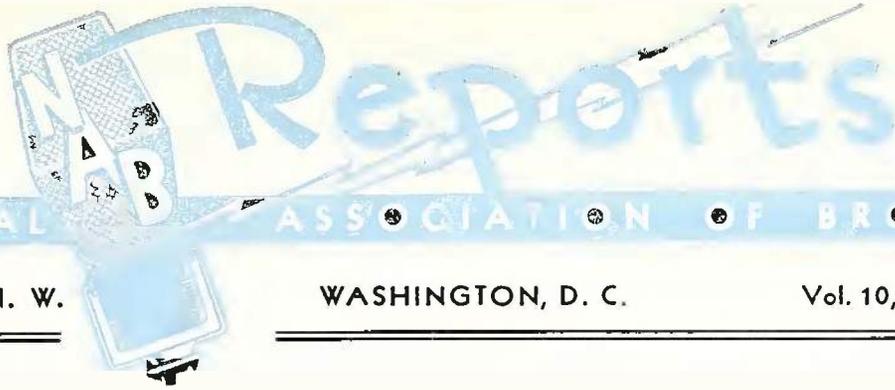
Standard Corset Co., 144 Race St., Holyoke, Mass., has entered into a stipulation to cease and desist from representing that the corsets or foundations it sells will cause firm muscles, remove excess avoirdupois, reduce the hips or waist, or correct irregularities or defects of the figure; and that the front of its so-called "Armmori Belt" is fully elastic, is made to comply with the laws of nature, and is prescribed by physicians and surgeons for abdominal irregularities. (3576)

St. Lawrence Textile Mills, Inc., 1261 Broadway, New York, engaged in the sale of oil silk and rayon fabrics, stipulated to discontinue use of the word "Mills" as part of its corporate or trade name and the word "manufacturers" or other words of like meaning to imply that it manufactures the products it sells or actually owns and operates or directly controls a plant or factory in which such products are made. (3577)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Joseph Cohen, 713 Otis Place, N. W., Washington, D. C., has been ordered to cease and desist from the sale and distribution of so-called press supplies, including press cards and automobile press tags represented as entitling the holder to pass through police and fire lines and to receive the courtesies and privileges extended to regular newspaper correspondents. (4783)



NAB HEADQUARTERS MOVED

To facilitate reply, all future correspondence should be addressed to the Association at 1760 N Street, N. W. Western Union telegrams should be addressed to the Association, WUX, Washington; telegrams over other systems, at the address above given. The telephone number is NATIONAL 2080.

PETER DENIES OPINIONS LAID TO HIM BY PAPER

Paul Peter, NAB Research Director, has disowned, without reservation, those opinions about small radio stations attributed to him in a recent issue of *Radio Daily*.

Mr. Peter sent the following letter to Chairman Fly of the FCC in reference to the matter:

December 14, 1942

Honorable James Lawrence Fly, Chairman
Federal Communications Commission
Washington, D. C.

Dear Mr. Fly:

I disown, without reservation, those opinions about small radio stations attributed to me in Monday's *Radio Daily*. I neither uttered the statements attributed to me, nor do they represent my views.

To the contrary, my own personal view is that the small stations are rendering a substantial service to the nation, and the importance of that service during the war period is considerably increased. One of the greatest values of the broadcasting industry to the war effort rests in its ability to reach the maximum number of people in our country. Small stations in towns of low population are the sole source of broadcasting during daylight hours to a sizeable segment of the nation's population. I have repeatedly stated it is essential that small station service be maintained.

The NAB is currently working to assist stations in the development of additional business and in the solution of their manpower problems. At this time, we are setting up a retail advertising clinic designed to promote the sale of broadcast advertising to retail business. Small stations depend largely on local merchants for their revenue, and it is logical to expect that they will have most to gain from this NAB activity.

I assure you that the views expressed in *Radio Daily* are not mine and that, on the problem of small station

operation, NAB is aligned with the FCC to promote their interests.

Sincerely yours,

PAUL F. PETER,
Director of Research.

NAB ASKS SELECTIVE SERVICE FOR NEW DEFERMENT PLAN

NAB has requested General Lewis B. Hershey, Director of the Selective Service System, to include the radio broadcasting industry under the plan set up for occupational deferments in critical scientific fields and other highly specialized fields. The matter is under consideration.

The plan was released as LBR 159 and at present covers only physicists. If broadcasting is included under the plan, an industry committee would be appointed and authorized to endorse all Forms 42-A which in its determination make out proper cases for occupational deferment. Local Boards would be expected to give great weight to Forms 42-A thus approved.

We print below NAB's letter to General Hershey and LBR 159:

November 19, 1942

Major General Lewis B. Hershey, Director
National Headquarters, Selective Service System
21st Street and C Street, N. W.
Washington, D. C.

Re: LBR 159,—National Committees for Critical Scientific Fields

Dear Sir:

On behalf of the National Association of Broadcasters by direction of the association's president, Mr. Neville Miller, and in the interests of the radio broadcasting industry, I respectfully request that "The National Committee on Radio Broadcasting, National Association of Broadcasters, Washington, D. C." be authorized by you under the above-captioned Local Board Release.

Mr. Miller has designated the six Directors-at-Large of the Association, and will designate the Network Directors of the Association if they care to serve, to be the committee. The Directors-at-Large are elected by the membership of the Association annually,—two to represent large stations, two medium sized stations and two small stations. The present incumbents were elected at the Annual Convention of the NAB last May. A committee so composed will represent all segments of the industry and the various types of station operations. Because the members have been elected by the membership of the Association, we are sure the industry will have complete confidence in the integrity and judicial temperament of the committee.

(Continued on page 722)

HAPPY NEW YEAR



NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N.W.

WASHINGTON

Phone National 2080

Neville Miller, President C. E. Arney, Jr., Assistant to President

Lewis H. Avery, Director of Broadcast Advertising; Howard Frazier, Director of Engineering; Joseph L. Miller, Director of Labor Relations; Paul F. Peter, Director of Research; Russell P. Place, Counsel; Arthur C. Stringer, Director of Promotion.

NAB ASKS SELECTIVE SERVICE FOR NEW DEFERMENT PLAN

(Continued from page 721)

The committee as designated comprises: Edwin W. Craig, WSM, Nashville; J. O. Maland, WHO, Des Moines; Eugene O'Fallon, KFEL, Denver; Don S. Elias, WWNC, Asheville; Herbert Hollister, KANS, Wichita; and, James W. Woodruff, Jr., WRBL, Columbus, Georgia.

If the networks care to be represented on the committee, the Network Directors are: Paul W. Kesten, Vice President, Columbia Broadcasting System, New York City; and, Frank M. Russell, Vice President, National Broadcasting Company, Washington, D. C.

Inasmuch as the greater part of the industry's requests for occupational deferment deal with technicians requiring scientific knowledge or others in highly specialized fields, I believe the industry can be appropriately brought under the National Committee Plan.

The adaptability of the Manning Table Plan to the radio broadcasting industry has been thoroughly explored. We have concluded that our industry, chiefly composed as it is of 909 relatively small units, is not well suited to that plan. Exclusive of network employees as such, the average number of employees per radio station is estimated to be 21, with the range of employment running from two to only 132.

Based on returns from a survey we have recently completed 601 stations out of 909 in operation all over the United States and its territorial possessions have indicated that there were in their employ on September 16, 1942, only 2,464 men whom they deem to be "necessary men" in critical occupations. Of this number, 150 are in Class I-A, 116 are in Class II-A or II-B, and 1,958 in Class III-A or III-B. Approximately 67% of the men in Class III-A and III-B have dependent children. Thus it may readily be seen that the number of registrants in the radio broadcasting industry likely to be affected during the next year is exceedingly small, and that our situation is one well adapted to the National Committee Plan set forth in LBR 159, and ill adapted to the Manning Table Plan.

Your earnest consideration of this request will be greatly appreciated to the end that we may put the plan into operation at the earliest possible date.

I shall be most happy to furnish you with any additional information in this connection which you may desire.

Respectfully yours,

RUSSELL P. PLACE, Counsel.

NATIONAL HEADQUARTERS 622.21
SELECTIVE SERVICE SYSTEM
Washington, D. C.

November 7, 1942

LOCAL BOARD RELEASE NO. 159
EFFECTIVE: NOVEMBER 7, 1942

SUBJECT: NATIONAL COMMITTEES FOR
CRITICAL SCIENTIFIC FIELDS

1. Shortages in certain fields.—In certain scientific and specialized fields there may occur, from time to time, criti-

cal shortages of persons who possess or who are in training or preparation to acquire the high degree of training, qualification, or skill necessary to engage in activities essential to war production or essential to the support of the war effort.

2. National Committees may be authorized.—When the War Manpower Commission has determined that there is such a critical shortage in a scientific or specialized field, the Director of Selective Service may authorize the appointment of a National Committee in that field, to assist the Selective Service System by reviewing affidavits for occupational classification.

3. Filing Affidavit—Occupational Classification.—When such a National Committee has been appointed for a scientific or specialized field, the employer or recognized university of college desiring occupational classification for a registrant who possesses the training, qualification, or skill in that field, or is in training or preparation therefor, may prepare Affidavit—Occupational Classification (Form 42 or 42A) in duplicate, file the copy with the local board in the usual manner, and forward the original to the National Committee.

4. Action by the National Committee.—When the National Committee receives a Form 42 or 42A, it will investigate the registrant. If, in its opinion, the registrant possesses the training, qualification, or skill and is a necessary man in an essential activity or a necessary man in training or preparation therefor, the National Committee is authorized to place a stamped endorsement prescribed by the Director of Selective Service on the original Form 42 or 42A and to file the form with the registrant's local board.

5. Consideration by local board.—When the original Form 42 or 42A, stamped by the National Committee, is received by the local board, it shall be considered as showing that the registrant has been investigated, that in the opinion of the National Committee he possesses the training, qualification, or skill required, and that, as the case may be, he is a necessary man in an essential activity or a necessary man in training or preparation in such scientific and specialized field.

6. Classification Advice (Form 59).—When a Form 42 or 42A, stamped by a National Committee, has been received for a registrant and the local board, nevertheless, classifies the registrant as available for military service or for assignment to work of national importance, the local board shall notify the National Committee, as well as the employer or university or college, by mailing to the National Committee and to the employer or university or college Classification Advice (Form 59). In such case the National Committee, as well as the employer or university or college, may appeal to the board of appeal from classification of the registrant.

7. National Committees.—Attached is a list of National Committees for scientific and specialized fields authorized by the Director of Selective Service.

LEWIS B. HERSHEY, Director.

LBH/phw
Distribution A, B, C, D, E, F

LIST OF NATIONAL COMMITTEES

Authorized by the Director of Selective Service to review affidavits for occupational classification in the scientific and specialized fields indicated:

Physicists

The National Committee on Physicists, National Roster of Scientific and Specialized Personnel, Washington, D. C.

Broadcast Advertising

BOOKS FOR THE ADVERTISING MAN

The Advertising Federation of America has just issued its 1942 bibliography entitled: "Books for the Advertising Man." This 36-page book contains 1414 listings, divided among 57 subject classifications. These range from Advertising Agencies to Window and Store Display.

There are 30 listings under Classification 39 "Radio Advertising." Each listing contains the following information: subject classification, name of author, title of book, year of publication, publication price, name of publisher and number of pages.

Periodically the Department of Broadcast Advertising receives requests for information on advertising publications. This exceedingly complete bibliography is available on the following basis: single copies, \$1; 10 copies, \$7.50; 25 copies, \$12.50; 50 copies, \$20.

If you want a copy, write to NAB. All orders will be grouped to earn the lowest possible rate and you will be notified of the cost to you before your order is actually placed with the AFA.

PER-INQUIRY REQUEST

Two months ago, a member station reported the effort of a District Circulation Representative of the Saturday Evening Post to place a subscription campaign on a P-I basis. Since two or three similar reports have been received, it seems appropriate to reprint part of a letter from the Director of Circulation for the Curtis Publishing Company:

"The reason we had our men make inquiries of this kind was because at a meeting in the Middle West, in August, some of our men told us that certain of the smaller stations throughout the Southwest had been operating on this basis. We had no definite knowledge of it, and we asked our men to make inquiry and get us information.

"We might also add that, without our knowledge or permission, a subscription representative early this year made use of several stations on the West Coast in connection with a subscription campaign on a cost-per-sale basis.

"All that we were after was information that would give us a picture of the situation. Now that we understand there is objection to such a procedure, *we have instructed our men to discontinue their inquiries along this line.*"

From other evidence, we are confident that the subscription representatives of the Curtis Publishing Company have ceased all efforts to promote the use of a radio on a per-inquiry basis.

Full credit should be given to this famous weekly for terminating all efforts along these lines when informed of the broadcasting industry attitude.

NEED COUGH SYRUP?

Several member stations have sent in the letter and suggested announcements for "Grandma's Cough Syrup" from the Herald Advertising Company of San Antonio. Part of the letter deserves reproduction:

"This is your authority to run six announcements daily, including Sunday, on your station at your lowest local monthly package rate . . .

"In return for these announcements we will ship you prepaid, each month in advance, enough Grandma's Cough Syrup, in the regular sixty cent size, to equal your package rate, figuring Grandma's Cough Syrup at the regular wholesale rate of \$4.80 per dozen.

"We will run this deal with you for four months . . ."

So—if you want to go into the wholesale and maybe the retail drug business, this is your opportunity. Seriously, are we such suckers as some people seem to think?

INFANTILE PARALYSIS

Next week all stations will receive a letter from Neville Miller, NAB president, and Chairman, National Radio Division, The National Foundation for Infantile Paralysis.

The letter asks station cooperation in connection with the Foundation's annual fund raising campaign through The Celebration of the President's Birthday. The letter reads:

"As the United States enters its second year of World War II, we are just beginning to see the effects of total war upon our populace—food must be rationed, our homes are not as warm as usual, but there is one thing that cannot be rationed, and that is the health and welfare of our children. The American radio industry cannot fail the children of America. One of the greatest scourges of childhood is the threat of Infantile Paralysis—an epidemic disease which leaves cripples in its wake.

"In America, through the facilities of The National Foundation for Infantile Paralysis, cripples are rehabilitated and given every chance to lead normal lives. Hundreds of orthopedic patients are now at work on vital war equipment in our airplane, radio and other precision factories.

"To carry on the work of the National Foundation costs millions of dollars. The National Foundation must be prepared for any eventualities. I, as Chairman of the National Radio Division, earnestly solicit the cooperation of your facilities and personnel in this nationwide crusade against Infantile Paralysis.

"Within the next few weeks you will receive various types of material, both transcribed and live, from our radio division. I urge you to use this material. May I also suggest that you cooperate with the local chairman in your vicinity and help him build special Infantile Paralysis programs.

"Recent research proves that the radio audience is now larger than at any time in history. Hence radio, the world's greatest mass medium, must and will help put the 1943 fight against Infantile Paralysis over the top."

TO DEVISE TRAINING PATTERN

Under actual working conditions, the National Electronic Distributors Association is working out a pattern of minimum instruction for radio service trainees. When perfected the plan will be made available nationally. It was undertaken at the suggestion of Jerry R. Hawke, assistant director, Vocational Training for War Production Workers, and William P. Loomis, Assistant Director in Charge of Instructional Materials, Vocational Training for War Production Workers, both of the Office of Education.

The study follows conferences at NAB with George D. Barbey, Association President of Reading, Pa.

More Station Help

To conserve manpower, more stations are explaining to listeners why it will help in the wartime effort if listeners will bring their radios to radio repairmen instead of asking repairmen to call. Another group of cooperators is listed below:

WRDO—Augusta, Me.; KRE—Berkeley; WKRO—Cairo; WFAA-KGKO—Dallas; WRUF, Gainesville; WMIS—Natchez; WWL—New Orleans; KGY—Olympia; KWSC—Pullman; WFBL—Syracuse; WTNJ—Trenton.

MESSAGE FROM ADMIRAL JACOBS

Randall Jacobs, Rear Admiral, U. S. N., The Chief of Naval Personnel, has asked NAB to extend greetings to

stations of the United States and to convey "the gratitude of the Navy for their deeply patriotic interest and outstanding cooperation. The broadcasting industry shares no small part of the credit for the success of Navy recruiting in fully keeping pace with the unprecedented needs of global war."

WCSC GIVES CUP

A silver cup will be awarded by Radio Station WCSC, Charleston, to the shop in the Charleston Navy Yard having the best all-round record for the first seven months of 1943.

The cup, signifying group leadership in all matters pertinent to the war effort, will be displayed at points throughout the Yard during the period of competition, and will be awarded in a ceremony next Labor Day.

J. E. McCaw Now Major in AAF

J. E. McCaw, general manager, KELA, Centralia, Wash., has recently been promoted to Major in the Army Air Forces. Major McCaw is attached to the headquarters staff in Washington, D. C.

COST OF LIVING

The Labor Department reports that the cost of living increased 0.7 per cent between October 15 and November 15, bringing the index to 119.8 per cent of its 1935-39 average.

"NAVAL AIDE AUXILIARY"

A southern member reports that Irving Parker of "Naval Aide Auxiliary" is seeking free time to publicize exhibitions of what purports to be a captured Messerschmitt plane.

The Navy Department reports that "Naval Aide Auxiliary" has no connection with the U. S. Navy or the Navy Relief Society, and is reported to be a California corporation.

FEDERAL COMMUNICATIONS COMMISSION

FLY PRESS CONFERENCE

Progress is being made on the study by the FCC of the small stations financial situation according to James Lawrence Fly, Chairman of the Commission. Following conferences which the Commission officials had with the OWI the Chief Accountant of the FCC is preparing some figures analyzing the financial situation of the stations, and it has been tentatively planned that conferences be held to discuss the problem with the advertisers although no definite steps have been taken in that direction.

Mr. Fly told the newsmen at a press conference early this week that pending completion of the analysis being made by the accounting department, "we are somewhat impeded at the moment by not having 1942 figures." Normally the financial figures for the year would not be available to the Commission until March but Mr. Fly said that owing to the unusual situation he is having brief questions sent to all stations, and "we hope the stations will give us immediately the returns for the complete year of 1942 with the thought that the figures will not be binding."

Chairman Fly said, in announcing the abbreviated questionnaire, "The stations can use approximated figures, and in any case they will be tentative. But in order to help

the stations at this juncture we really need all the information they can give us now. I think that by the middle of January we ought to have something to report. I don't mean to say that the whole matter will be settled by then but I feel optimistically that we can progress very expeditiously with it."

The Chairman told the conference that he hoped very shortly to have something on the manpower situation as it affects the broadcasting industry. The Manpower Commission representatives, he said, have been giving very intensive study to the problems of the industry and, "we have had some recent conferences." Mr. Fly said he thought there is a very good prospect that they will come off with a pretty good understanding as to the essential character of the radio business and ultimately a recognition of all the essential features of that business. "I don't want to be too optimistic about it, but I do want to say that I am optimistic on the prospect of getting favorable solution there," he said.

Mr. Fly in further discussion of the manpower situation said he thought every branch of the industry should make every effort possible to bring in new labor material, "bring in young men, for example, and train them and bring them up to responsibilities." He also expressed the opinion that older men who have the capacity should be trained. He stated that "it would be a great mistake to overlook the tremendous resources we have in the woman power generally available, and it has been discovered in broadcasting particularly that women have a very broad and great capacity." He said, still speaking of the woman power of the country, "I should think we would be derelict if we overlooked that resource."

RULES CHANGES

The Commission has announced the following action on rules and regulations dealing with international broadcast stations:

Adopted an Order suspending until further order of the Commission Subsection (f) (1), (2) and (3) of Section 4.43, Subsections (d) and (e) of Section 4.44, and Section 4.46 of the Rules and Regulations governing international broadcast stations. These particular restrictions were considered unnecessary at this time. This action was taken in order to coordinate the operation of all international broadcast stations in the interest of the Government for the conduct of psychological warfare and to insure maximum flexibility of operation.

The text of the suspended subsections and section is as follows:

Subsection (f) (1), (2) and (3) of Section 4.43:

"(f) (1) Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

"(2) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of two years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

"(3) If the broadcast is in a language other than English the licensee shall furnish to the Commission upon request such record and scripts together with complete translations in English."

Subsections (d) and (e) of Section 4.44:

"(d) An international broadcast station will not be authorized to use more than one frequency listed in any group listed in paragraph (a) without a showing of technical necessity.

"(e) Not more than one frequency shall be used simultaneously under the same authorization and call letter designation."

Section 4.46: "A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency.

(b) A list of programs transmitted of special international interest.

(c) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned."

At the same time the Commission interpreted Subsections (d) and (e) of Section 4.43 as requiring a single station identification for all stations which are carrying the same program, and as requiring identification of international broadcast stations only at the beginning and end of a transmission.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

No hearings or oral arguments are scheduled to be heard before the Commission during the week beginning Monday, December 28.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WTBO—Aurelia S. Becker, Administratrix for Frank V. Becker, deceased (Transferer), Aurelia S. Becker (Transferee), Associated Broadcasting Corp. (Licensee), Cumberland, Md.—Granted consent to transfer control of Associated Broadcasting Corporation, Station WTBO, from Mrs. Aurelia S. Becker, Administratrix of the estate of her deceased husband, Frank V. Becker, to Aurelia S. Becker as an individual. There is no monetary consideration involved in this transfer of control (B1-TC-312).

WJWC—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted Special Service Authorization for term of license period ending April 1, 1944, to operate with 5 KW, DA-night, on frequency of 1520 kc.

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted special temporary authority to operate station WOOD unlimited time on 1300 kc. with 5 KW power, for a period of 60 days.

WBAX—John H. Stenger, Jr., Wilkes-Barre Pa.—Granted petition for extension of effective date of Decision and Order in re application for renewal of license for period of 90 days. (Docket 5430.)

WHEC, Inc., Rochester, N. Y.—Granted construction permit (B1-PH-96) for new high frequency (FM) station, subject to Order No. 79, which contains fundamental policy in re newspaper ownership of radio station; channel 44700 kc., 300 square miles, subject to meeting engineering conditions.

LICENSE RENEWALS

Licenses for the following stations were further extended upon a temporary basis only, for the period ending February 1, 1943, pending determination upon application for renewal of license:

KBST, Big Spring, Texas; KCMC, Texarkana, Texas; KCRJ, Jerome, Ariz.; KFMB, San Diego; KGEZ, Kalispell, Mont.; KGFV, Kearney, Neb.; KGGF, Coffeyville, Kans.; KGKL, San Angelo, Texas; KHBC, Hilo, Hawaii; KHBC, Okmulgee, Okla.; KID, Idaho Falls, Idaho; KIEM, Eureka Calif.; KINY, Juneau, Alaska; KPLT, Paris, Texas; KRBA, Lufkin, Texas; KRBC, Abilene, Texas; KVGB, Great Bend, Kans.; KWFC, Hot Springs, Ark.; KWKH, Shreveport, La.; KXL, Portland, Ore.; WAAB and auxiliary, Boston; KBBZ, Ponca City, Okla.; WBNX, New York City; WBRW, Welch, W. Va.; WCAZ, Carthage, Ill.; WCBT, Roanoke Rapids, N. C.; WEDC, Chicago; WFCI, Pawtucket, R. I.; WFPG, Atlantic City, N. J.; WFTC, Kinston, N. C.; WGES, Chicago; WHOM, Jersey City, N. J.; WING, Dayton,

Ohio; WJBW, New Orleans, La.; WLBK, Nr. Bowling Green, Ky.; WLOF, Orlando, Fla.; WNBZ, Saranac Lake, N. Y.; WOCC, Nr. Hyannis, Mass.; WOKO and auxiliary, Albany, N. Y.; WTEL, Philadelphia; WTRC, Elkhart, Ind.; WHOM auxiliary, Jersey City.

The following stations were granted renewal of licenses for the period ending December 1, 1944:

KCRC, Enid, Okla.; KEVE, Everett, Wash.; KGCX, Sidney, Mont.; KGIR, Butte, Mont.; WHK, Cleveland, Ohio; WQBC, Vicksburg, Miss.

WSPD—WSPD, Inc., Sarasota, Fla.—Granted renewal of license for the period ending October 1, 1943.

WFIN—Findlay Radio Co., Findlay, Ohio.—Granted renewal of license for the period ending October 1, 1944.

W5XAU—WKY Radiophone Company, Oklahoma City, Okla.—Present license further extended upon a temporary basis only, for the period ending February 1, 1943, pending determination upon application for renewal.

W9XLA—KLZ Broadcasting Company, Denver, Colo.—Present license further extended upon a temporary basis only, for the period ending February 1, 1943, pending determination upon application for renewal.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Present license further extended upon temporary basis only, for the period ending February 1, 1943, pending determination on renewal of application.

MISCELLANEOUS APPLICATIONS

KMA—May Broadcasting Co., Shenandoah, Iowa.—Granted modification of construction permit which authorized installation of directional antenna for night use and increase in power, for extension of completion date from December 24, 1942, to February 22, 1943 (B4-MP-1678).

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted modification of construction permit as modified, which authorized installation of directional antenna for night use, and increase in power, for extension of completion date from December 15, 1942, to February 15, 1943 (B3-MP-1669).

KGDM—E. F. Peffer, Stockton, Calif.—Granted modification of construction permit as modified, which authorized change in frequency, hours of operation, increase in power, installation of directional antenna for night use and new transmitter, for extension of completion date from December 20, 1942, to January 20, 1943 (B5-MP-1676).

KHS—Golden Empire Broadcasting Co., Chico, Calif.—Granted license to cover construction permit as modified, for installation of directional antenna for day and night use, and increase in power (B5-L-1733); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1474).

KICD—Iowa Great Lakes Broadcasting Co., Spencer, Iowa.—Granted license to cover construction permit as modified, for new station (B4-L-1728); granted authority to determine operating power by direct measurement of antenna power (B4-Z-1470).

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1467).

W2XBD—General Electric Co., Schenectady, N. Y.—Granted license to cover construction permit for new ST station (B1-LST-5).

W65PH—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Denied petition for grant of application (B2-MPH-102) for modification of construction permit to change transmitter and studio locations, change type of transmitter, change in antenna system and for decrease in coverage; and (B2-MPH-81) modification of construction permit for extension of completion date, and designated both applications for hearing.

WGNV—WGNV Broadcasting Co., Newburgh, N. Y.—Denied petition for reconsideration of application for Special Service Authorization to operate unlimited time with 1 KW power, heretofore denied on September 8, 1942.

MISCELLANEOUS

WBZ—Westinghouse Radio Stations, Inc., Boston, Mass.—Dismissed without prejudice petition for leave to intervene and

enlarge issues in re application of WCOA, Pensacola, Fla., for construction permit (Docket 6441).

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; WBBM—Chicago, Ill.; KFAB—KFAB Broadcasting Co., Lincoln, Neb.; WJAG—The Norfolk Daily News, Norfolk, Neb.—Granted petition to dismiss without prejudice applications for construction permits (Dockets 1735, 5271, 5270 and 5864).

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Granted motion to dismiss without prejudice application for developmental broadcast station to operate on 46500 kc., special emission for FM.

Butler Broadcasting Co., Hamilton, Ohio.—Granted petition to dismiss without prejudice application for new station (B2-P-2937); dismissed motion for extension of time within which to file exceptions.

APPLICATIONS FILED AT FCC

600 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Modification of construction permit (B3-P-2814 as modified which authorized installation of new equipment, directional antenna for day and night use, change frequency, increase power and move) for extension of completion date from 12-22-42 to 3-22-43.

930 Kilocycles

KTKN—Edwin A. Kraft, Ketchikan, Alaska.—Authority to install new automatic frequency control equipment.

KTKN—Edwin A. Kraft, Ketchikan, Alaska.—Authority to determine operating power by direct measurement of antenna power.

1090 Kilocycles

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Voluntary assignment of license and special service authorization from The WBAL Broadcasting Company to Hearst Radio, Inc.

TELEVISION APPLICATION

W3XWT—Allen B. Dumont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31 as modified which authorized new television station) for extension of commencement and completion dates from 6-26-42 and 12-26-42 to 12-26-42 and 6-26-43 respectively.

MISCELLANEOUS APPLICATIONS

NEW—The Winter Street Corporation, Boston, Mass.—Authority to transfer control of The Winter Street Corp. (Parent Corp. of The Yankee Network, Inc.) from The John Shepard, 3rd Trust and The Robt. F. Shepard Trust by John Shepard 3rd and George R. Blodgett, Trustees to The General Tire & Rubber Company.

NEW—Evangelistic Mission, Pontiac, Mich.—Authority to transmit programs from Pontiac, Mich., to Canadian Station CKLW, Windsor, Canada.

FEDERAL TRADE COMMISSION DOCKET

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an

opportunity to show cause why cease and desist order should not be issued against them.

Berlou Manufacturing Co., Marion, Ohio, compounding and selling an aqueous arsenic preparation designated "Berlou Guaranteed Mothproof," is charge in a complaint with false advertising and misrepresentation. (4876)

Book-A-Week Club, Inc., 147 West 22nd St., New York, engaged in the sale and distribution of reference books designated as Standard American Encyclopedia and the University of Knowledge Wonder Books, is charged in a complaint with misrepresentation. (4877)

Chain Institute, Inc., et al.—Eighteen manufacturers of chain and chain products, including tire chains, and their trade association, Chain Institute, Inc., Chicago, are charged in a complaint with maintaining an unlawful combination to fix prices and eliminate competition in the manufacture and sale of their products.

The complaint also is directed against the Washington firm of Shirley, Olcott & Nichols, Government contract brokers, who allegedly acted as the agent for four of the respondent manufacturers in submitting collusive and identical bids to Government agencies buying tire chains.

American Chain & Cable Co., Inc., of York, Pa., and Bridgeport, Conn., is the so-called "price leader" for the Chain Institute members, who by agreement, the complaint alleges, follow the price increases and decreases announced by the respondent American. Other respondent manufacturers named in the complaint are:

The Bridgeport Chain & Manufacturing Co., Bridgeport, Conn.; The McKay Co., Pittsburgh; Pyrene Manufacturing Co., Newark, N. J.; Hodell Chain Co., Cleveland, Ohio; St. Pierre Chain Corp., Worcester, Mass.; S. G. Taylor Chain Co., Hammond, Ind.; Cleveland Chain & Manufacturing Co., Cleveland, Ohio.; Columbus McKinnon Chain Corp., Tonawanda, N. Y.; International Chain & Manufacturing Co., York, Pa.; Nixdorff-Krein Manufacturing Co., St. Louis, Mo.; Peerless Chain Co., Winona, Minn.; Round California Chain Co., San Francisco, Calif.; J. M. Russell Manufacturing Co., Naugatuck, Conn.; Seattle Chain & Mfg. Co., Seattle, Wash.; Turner & Seymour Manufacturing Co., Torrington, Conn.; Western Chain Products Co., Chicago; and Woodhouse Chain Works, Trenton, N. J.

Officers of the Institute named in the complaint are Dennis A. Merriman, managing director; Walter S. McCann, secretary and treasurer; William D. Kirkpatrick, president; George J. Campbell, Jr., vice president; and Frank A. Bond.

The respondent members of the firm of contract brokers are Alfred P. Shirley, Floyd B. Olcott and Forrest C. Nichols, with offices in the Mills Building, Washington. (4878)

CEASE AND DESIST ORDERS

No cease and desist orders were issued by the Commission during the past week.

STIPULATION

During the past week the Commission has announced the following stipulation:

G. E. Conkey Co., 6529 Broadway Ave., Cleveland, Ohio, selling and distributing a dry dog food preparation in cube, meal and pellet form designated "Conkeys Y-O Dog Ration"; and Rogers & Smith, 20 North Wacker Drive, Chicago, an advertising agency which disseminated advertisements for the product, have entered into a stipulation in which they agree to cease and desist from using the terms "meat," "dehydrated meat," "beef," or "dehydrated beef," or any other term of similar meaning to designate or describe dehydrated meat meal or beef meal, or any product which is not beef or meat. (03081)